

09:18AM

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH BONGIOVANNI,

Defendant.

Case No. 1:19-cr-227  
(LJV)

September 11, 2024

TRANSCRIPT EXCERPT - EXAMINATION OF CURTIS RYAN - DAY 2  
BEFORE THE HONORABLE LAWRENCE J. VILARDO  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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And

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For the Defendant

PRESENT:

BRIAN A. BURNS, FBI Special Agent  
MARILYN K. HALLIDAY, HSI Special Agent  
KAREN A. CHAMPOUX, USA Paralegal

LAW CLERK:

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\* \* \* \* \*

(Excerpt commenced at 9:43 a.m.)

(Jury seated at 9:43 a.m.)

**THE COURT:** Good morning, everyone.

**JURORS:** Good morning.

**THE COURT:** The record will reflect that all our  
jurors are present again.

I remind the witness he's still under oath.

Mr. Tripi, you may continue.

**MR. TRIPI:** Thank you, Your Honor.

**C U R T I S R Y A N**, having been previously duly called and  
sworn, continued to testify as follows:

**(CONT'D) DIRECT EXAMINATION BY MR. TRIPI:**

Q. Special Agent Ryan, we last -- let me start over.

Where we left off yesterday, you were at the point of the  
interview where colleagues of yours brought over the -- the  
DEA evidence box, which contained the file labeled Ron Serio

1 on it; remember that?

2 A. Yes.

3 Q. Okay. I'd like to pick it up from there. Okay?

4 At that point when you were alerted to that, did you ask  
5 the defendant why he had reports related to Ron Serio in his  
6 home?

7 A. I did.

8 Q. What was the defendant's response to your question?

9 A. He said that he was aware that there was an organized  
10 crime investigation ongoing, that Serio's name qualified as  
11 being part of that investigation, and that he brought that  
12 file home because he wanted to show that the investigation  
13 that he had done was on the up and up.

14 Q. And when he referenced organized crime investigation,  
15 did -- did he characterize it as, like, an Italian Organized  
16 Crime case?

17 A. He did.

18 Q. Did he mention anything about Serio's last name in giving  
19 you that answer?

20 A. He did. He --

21 Q. What did he say?

22 A. That Serio's last name qualified, which I understood to  
23 mean it was an Italian last name. So, that it could be  
24 related to the Italian Organized Crime case.

25 Q. During the course of your interview, did there come a

09:45AM 1 point where the Bongiovanni -- where Mr. Bongiovanni made  
09:45AM 2 statements to you regarding the fact that you were asking him  
09:45AM 3 about names of Italian ancestry?

09:45AM 4 A. He did.

09:45AM 5 Q. Can you describe how that came up and that interaction  
09:45AM 6 between yourself and the defendant?

09:45AM 7 A. There were a couple times where he asked why we were only  
09:45AM 8 asking about people with Italian last names. I think the  
09:46AM 9 first time it came up I said -- it was when we were going  
09:46AM 10 through the contacts in the phone. And I explained I'm  
09:46AM 11 asking you about the contacts that I know were in your phone,  
09:46AM 12 it doesn't, you know, I'm not thinking about what kind of  
09:46AM 13 last name it is.

09:46AM 14 And then he brought it up at least one other time, maybe  
09:46AM 15 more than one other time because it did start to irritate me.  
09:46AM 16 And eventually I got fed up with it. And I said, hey, look,  
09:46AM 17 there's an Irish mob, too, but that's not why we're here  
09:46AM 18 today, or something along those lines.

09:46AM 19 Q. When you saw the DEA evidence box and the file in it that  
09:46AM 20 had the label of Ron Serio and some other names on it, did  
09:46AM 21 you believe that file to be a DEA working file when you  
09:47AM 22 looked at it?

09:47AM 23 A. From first glance, yes.

09:47AM 24 Q. Now, you've worked at the DEA, right?

09:47AM 25 A. Yes.

09:47AM 1 Q. In terms of DEA policy and procedure, are DEA file  
09:47AM 2 materials supposed to remain in DEA secure space?

09:47AM 3 A. Yes.

09:47AM 4 Q. And at the time the defendant had it, he was retired from  
09:47AM 5 the DEA, correct?

09:47AM 6 A. Yes.

09:47AM 7 Q. Did you then continue to ask Mr. Bongiovanni questions,  
09:47AM 8 and in particular, did you ask about a situation where he was  
09:47AM 9 at Buffalo RiverWorks with Mr. Gerace?

09:47AM 10 A. I did. I asked questions based off those -- the text  
09:47AM 11 messages.

09:47AM 12 Q. Now, were those text messages that you showed him, or  
09:47AM 13 ones that you had remembered?

09:48AM 14 A. That I had remembered.

09:48AM 15 Q. Okay. So, what was your question and what was his  
09:48AM 16 response regarding that topic?

09:48AM 17 A. I just, I asked him if he remembered the time at Buffalo  
09:48AM 18 RiverWorks and how that came to be.

09:48AM 19 Q. And what did the defendant say?

09:48AM 20 A. That it was another chance encounter. That he didn't  
09:48AM 21 meet Mr. Gerace there as part of any plan.

09:48AM 22 Q. Did he give you any details about what happened that  
09:48AM 23 night?

09:48AM 24 A. He did say that there was another person there, the name  
09:48AM 25 escapes me, within that night. And I -- I think he said that

09:48AM 1 he did confirm that Peter helped him help Lindsay to the car.

09:48AM 2 Q. So, there was discussion about his wife Lindsay being

09:48AM 3 intoxicated?

09:48AM 4 A. Yes.

09:48AM 5 Q. In terms of his relationship with Gerace, did there come

09:49AM 6 a point in your interview where the defendant indicated to

09:49AM 7 you that Gerace obsessively called the defendant, and has

09:49AM 8 been for a long time?

09:49AM 9 A. Yes. That was how he characterized it.

09:49AM 10 Q. How did that come up?

09:49AM 11 A. It was -- I wasn't satisfied with the answers about the

09:49AM 12 communication, so I asked some questions about it. It didn't

09:49AM 13 seem, to me, it didn't seem one way like he had characterized

09:49AM 14 it earlier in the interview, so, I circled back to it and

09:49AM 15 asked about it again.

09:49AM 16 And again, he left me with the impression that

09:49AM 17 communication and the relationship was one way. Mr. Gerace

09:49AM 18 called him, he didn't return phone calls.

09:49AM 19 Q. Now yesterday you also mentioned a part of the discussion

09:49AM 20 where you asked him about the contact, Kim Mecca, in his

09:49AM 21 phone; do you remember that?

09:49AM 22 A. Yes.

09:49AM 23 Q. And you explained how he put his head down and his elbows

09:50AM 24 on his knees?

09:50AM 25 A. Yes.

Q. When he indicated to you that Kim Mecca was Lou Selva's girlfriend, did you follow up and ask questions about Lou Selva? Or did he tell you anything about who Lou Selva was?

A. He did. I can't remember if it was in response to a question, or if it was a follow-on from saying the name when I said whose girlfriend.

But I remember him saying that, he had -- Lou Selva had recently graduated from the Erie County Sheriff's Academy.

Q. As a corrections officer?

A. Yes, as a corrections deputy.

**MR. TRIPI:** Ms. Champoux, can we pull up Exhibit 109AA and 109AC, they're both in evidence. Just put them side by side.

**BY MR. TRIPI:**

Q. And just for clarification, Government Exhibit 109AA on the left of your screen, is Mr. Selva the individual in the middle in the sheriff's outfit?

A. He is.

Q. And in Government Exhibit 109AC, is Mr. Selva the person to the far right of the picture?

A. Yes.

Q. And Mr. Bongiovanni is in both pictures with him?

A. Yes, he is.

**MR. TRIPI:** Okay. We can take that down, Ms. Champoux.

25 | Q. Okay. Please continue.



09:52AM 1 A. And then we talked a little bit about the case. And I  
09:52AM 2 just, I asked him, what happened with the investigation?

09:52AM 3 Q. To be clear, the Serio investigation?

09:52AM 4 A. Yes. The Serio investigation.

09:52AM 5 Q. What did he say?

09:52AM 6 A. He said that the -- his source in the case was arrested  
09:52AM 7 for selling fentanyl and maybe another controlled substance,  
09:52AM 8 And that that effectively ended the case.

09:52AM 9 And then I asked him who --

09:52AM 10 Q. Let me jump in with a question here.

09:52AM 11 A. Sure.

09:52AM 12 Q. When he said his source in the case, in the context of  
09:53AM 13 the conversation you were having, what did you understand his  
09:53AM 14 use of the word "source" to mean?

09:53AM 15 A. Confidential source or informant.

09:53AM 16 Q. Did he tell you who that person was?

09:53AM 17 A. I asked him who it was, and he said it was Peter  
09:53AM 18 Militello.

09:53AM 19 Q. And did he tell you why his source in the case, Peter  
09:53AM 20 Militello, became unavailable?

09:53AM 21 A. He did. He said he was arrested.

09:53AM 22 Q. For what?

09:53AM 23 A. For selling fentanyl and maybe one other controlled  
09:53AM 24 substance. I think there was another one.

09:53AM 25 Q. Would your report refresh your recollection?

09:53AM 1 A. Yes.

09:53AM 2 Q. I'm going to hand you up Government Exhibit 3594BJ-1 for  
09:53AM 3 identification. Take a look at it, and when you're done look  
09:53AM 4 up.

09:54AM 5 Does that refresh your recollection as to the other  
09:54AM 6 substance he indicated Mr. Militello was arrested for  
09:54AM 7 selling?

09:54AM 8 A. Yes.

09:54AM 9 Q. What was it?

09:54AM 10 A. Heroin.

09:54AM 11 Q. Okay. Now, at that time, as you sat there in that  
09:54AM 12 interview, did you know who the informant was that  
09:54AM 13 Mr. Bongiovanni had into the Serio investigation?

09:54AM 14 A. I mean --

09:54AM 15 Q. Or did you learn that later?

09:54AM 16 A. I had heard some names of possible informants, but  
09:54AM 17 nothing solid until later.

09:54AM 18 Q. Okay. So my question is: Did you verify later who the  
09:54AM 19 actual informant was --

09:54AM 20 A. Yes.

09:54AM 21 Q. -- in the investigation?

09:54AM 22 **MR. TRIPI:** Okay. Ms. Champoux, let's pull up  
09:54AM 23 Exhibit 9E-2. This is in evidence, Your Honor.

09:54AM 24 **BY MR. TRIPI:**

09:55AM 25 Q. Do you recognize this as a DEA confidential source

09:55AM 1 agreement?

09:55AM 2 A. Yes.

09:55AM 3 **MR. TRIPI:** And can we go to the signature blocks,  
09:55AM 4 Ms. Champoux?

09:55AM 5 **BY MR. TRIPI:**

09:55AM 6 Q. And who was the informant in that actual investigation?

09:55AM 7 A. R.K.

09:55AM 8 Q. And do you see who the handling agent or the controlling  
09:55AM 9 investigator was who signed under Mr. R.K.'s source number?

09:55AM 10 A. Yes.

09:55AM 11 Q. Who's that?

09:55AM 12 A. Mr. Bongiovanni.

09:55AM 13 **MR. TRIPI:** Okay. We can take that down,  
09:55AM 14 Ms. Champoux.

09:55AM 15 **BY MR. TRIPI:**

09:55AM 16 Q. And again, after this interview with Mr. Bongiovanni, did  
09:55AM 17 there come a point where you were able to review Exhibit 8A,  
09:55AM 18 which is file -- the actual DEA file for C2-13-0026?

09:55AM 19 A. Yes.

09:55AM 20 Q. Was the informant in that file actually R.K.?

09:55AM 21 A. Yes.

09:55AM 22 Q. And there's no reference to Peter Militello in that file  
09:56AM 23 whatsoever; is that correct?

09:56AM 24 A. None at all.

09:56AM 25 Q. At that point in the interview, did Mr. Bongiovanni

09:56AM 1 indicate to you that he knew that you guys were investigating  
09:56AM 2 Ronald Serio?

09:56AM 3 A. He did. He made that statement.

09:56AM 4 Q. And when he said "you guys," who was he referring to?

09:56AM 5 A. He gestured toward me, which I took to mean HSI.

09:56AM 6 That was just my understanding of his body language and  
09:56AM 7 his answer at the time.

09:56AM 8 Q. Did you follow up with a question?

09:56AM 9 A. I did. I asked him how he learned about the  
09:56AM 10 investigation, because we had made efforts to keep that  
09:56AM 11 information held as closely as possible.

09:56AM 12 And he said that Special Agent Carpenter had told him  
09:56AM 13 about it in his OIG interview.

09:57AM 14 Q. And when you say "it," are you referring to the  
09:57AM 15 investigation of Serio?

09:57AM 16 A. The Serio investigation.

09:57AM 17 Q. Okay. And was that his explanation of why he took his  
09:57AM 18 Serio file home --

09:57AM 19 A. Yes.

09:57AM 20 Q. -- at retirement?

09:57AM 21 Now, earlier you mentioned that Bongiovanni's retirement  
09:57AM 22 was February 1st, 2019, right?

09:57AM 23 A. Yes.

09:57AM 24 Q. And earlier you mentioned that Special Agent Carpenter's  
09:57AM 25 interview with Mr. Bongiovanni was March 29th, 2019, correct?

09:57AM

1 A. Yes.

09:57AM

2 Q. So, the interview by DOJ OIG was after Mr. Bongiovanni

09:57AM

3 had retired; is that right?

09:57AM

4 A. Yes.

09:57AM

5 Q. Given the timeline of events, was it possible for

09:57AM

6 Mr. Bongiovanni to remove the Serio file on February 1st,

09:57AM

7 2019, based upon an interview that had not yet happened with

09:57AM

8 Special Agent Carpenter?

09:57AM

9 A. No.

09:57AM

10 Q. When you completed the interview, was it your intent to

09:58AM

11 further investigate?

09:58AM

12 A. Yes.

09:58AM

13 Q. And did you do so?

09:58AM

14 A. Yes.

09:58AM

15 Q. So, Mr. Bongiovanni was not arrested that day, correct?

09:58AM

16 A. No.

09:58AM

17 Q. He was not charged?

09:58AM

18 A. No, not charged that day.

09:58AM

19 Q. Okay. Now, during the course of that same interview, was

09:58AM

20 Mr. Bongiovanni's personal cell phone obtained from HSI?

09:58AM

21 A. Yes.

09:58AM

22 Q. Was it brought to you during your interview of him?

09:58AM

23 A. Yes.

09:58AM

24 Q. And did he confirm for you his pass code to get into that

09:58AM

25 phone?

09:58AM 1 A. Yes.

09:58AM 2 Q. And later on, that phone was searched; is that right?

09:58AM 3 A. Yes.

09:59AM 4 **MR. TRIPI:** One moment please, Your Honor.

10:00AM 5 **BY MR. TRIPI:**

10:00AM 6 Q. And was information later extracted from

10:00AM 7 Mr. Bongiovanni's personal phone --

10:00AM 8 A. Yes.

10:00AM 9 Q. -- pursuant to a federal search warrant?

10:00AM 10 A. Yes.

10:00AM 11 **MR. TRIPI:** Judge, we've read the stip, but I would  
10:00AM 12 just like to reread the stipulation we've previously entered  
10:00AM 13 in context for the jury, because we read it out of context  
10:00AM 14 last time.

10:00AM 15 **MR. MacKAY:** No objection.

10:00AM 16 **THE COURT:** Go ahead.

10:00AM 17 **MR. TRIPI:** This is Court's Exhibit 6, United States  
10:00AM 18 of America by and through its attorneys.

10:00AM 19 I'm going to skip, actually, the introduction  
10:00AM 20 paragraph.

10:00AM 21 Hereby stipulate to the admissibility into evidence  
10:00AM 22 at trial in this case the following facts regarding specific  
10:00AM 23 government exhibits:

10:00AM 24 Or on or about June 26, 2019, HSI Special Agent  
10:00AM 25 Curtis Ryan seized Joseph Bongiovanni's personal cell phone,

1 Samsung Galaxy J3, with unique identifier IMEI number  
2 3542-720-908-09267.

3 The Department of Justice Office of Inspector General  
4 extracted the data that was stored on Mr. Bongiovanni's  
5 personal cell phone and examined the data. The results of the  
6 examination are marked as Government Exhibit 109A, and  
7 sub-exhibits of the examination are marked as Government  
8 Exhibits 109B through 109Z, and 109AA through 109AH.

9 Those exhibits are authentic and accurate copies of  
10 the data that was extracted -- excuse me, that was on  
11 Mr. Bongiovanni's personal cell phone.

12 The parties stipulate and agree that the following  
13 exhibits shall be received into evidence:

14 Government Exhibit 109F, 109I, 109N, 109O, 109P,  
15 109R, 109V, 109X, 109Z, 109AA, 109AB, 109AC, and 109AE.

16 And that was signed by all parties on August 26th,  
17 2024, Your Honor.

18 Thank you for that indulgence.

19 **BY MR. TRIPI:**

20 Q. After that interview was completed, after you obtained  
21 Mr. Bongiovanni's phone and the file materials which we'll  
22 get into in a little bit, did that essentially end the  
23 investigation that day in Mr. Bongiovanni's residence?

24 A. Yes.

25 Q. As part of your continuing investigation, did Homeland

10:02AM 1 Security Investigations obtain additional search warrants on  
10:02AM 2 August 23rd -- that were executed on or about August 23rd,  
10:02AM 3 2019, to search residences associated with Michael Masecchia  
10:02AM 4 and Lou Selva?  
10:02AM 5 A. Yes.  
10:02AM 6 Q. So, within approximately one year of the investigation,  
10:03AM 7 both of those residences were searched and items of evidence  
10:03AM 8 were seized?  
10:03AM 9 A. Yes.  
10:03AM 10 Q. Were you the lead HSI case agent at the Masecchia  
10:03AM 11 residence?  
10:03AM 12 A. I was.  
10:03AM 13 Q. And from the FBI, was Special Agent Burns there with you?  
10:03AM 14 A. Yes, he was.  
10:03AM 15 Q. And were there other individuals who helped with that  
10:03AM 16 search from your agency?  
10:03AM 17 A. Yes.  
10:03AM 18 Q. As to the Selva search warrant, obviously he lives in a  
10:03AM 19 different location; is that right?  
10:03AM 20 A. Yes.  
10:03AM 21 Q. Who was the head of that search team?  
10:03AM 22 A. Special Agent Halliday.  
10:03AM 23 Q. And she's with HSI, correct?  
10:03AM 24 A. Yes.  
10:03AM 25 Q. All right. Regarding the Masecchia search warrant on



1 August 23rd, 2019, and the Selva search warrant that same  
2 day, were they executed simultaneously?

3 A. Yes.

4 Q. Was that for the same logic and reasoning that the  
5 Anthony Gerace and Michael Sinatra search warrants were  
6 executed simultaneously?

7 A. Yes.

8 Q. Would all your answers, if I asked the same questions, be  
9 the same to this jury about why that was done that way?

10 A. Yes, they would.

11 Q. Okay. Now, with regard to the Masecchia warrant  
12 execution, can you describe for the jury what happened that  
13 day, and give them an overview of what was seized?

14 A. So, that was another tactical team entry. So, they  
15 searched the residence for people. Mr. Masecchia was there,  
16 his wife, two or maybe three of his children, so they were  
17 secured and brought outside.

18 Special Agent Burns and I conducted a short interview  
19 with Mr. Masecchia. After that was over, I assisted with the  
20 search.

21 Q. Okay.

22 A. And then -- do you want me to go through some of the  
23 things we found, or --

24 Q. Yeah. Let me ask a follow-up question.

25 Where did Mr. Masecchia live? Where was his residence?

10:04AM 1 A. On Main Street in Williamsville. 5907, I think is the  
10:05AM 2 number. I'm not remembering right. But across the street  
10:05AM 3 from Williamsville South High School.

10:05AM 4 Q. Okay. Was your conversation with Mr. Masecchia  
10:05AM 5 relatively brief?

10:05AM 6 A. Yes.

10:05AM 7 Q. Did it ever make it to any substance of any of the  
10:05AM 8 matters at hand?

10:05AM 9 A. No.

10:05AM 10 Q. Okay. Did Special Agent Burns, at Mr. Masecchia's  
10:05AM 11 request, actually call an attorney of Mr. Masecchia's choice  
10:05AM 12 for him?

10:05AM 13 A. Either Special Agent Burns did or I did.

10:05AM 14 Q. One of the two of you?

10:05AM 15 A. One of the two of us did. I think between the two of us,  
10:05AM 16 we had the number, and we called on Mr. Masecchia's behalf.

10:05AM 17 Q. And getting to the search now, can you tell the jury,  
10:05AM 18 give them an overview of the items that were located and  
10:05AM 19 seized by Homeland Security?

10:05AM 20 A. Yes. Most of the items were found in the upstairs master  
10:05AM 21 bedroom. There were eight firearms. \$27,950 --

10:06AM 22 Q. In United States currency?

10:06AM 23 A. Yes. About 100 rounds of ammunition. There was  
10:06AM 24 marijuana. There was at least some THC-based edibles. I'm  
10:06AM 25 trying to remember what else.

10:06AM 1 Q. Was there some cocaine in his truck?

10:06AM 2 A. There was cocaine in the truck.

10:06AM 3 Q. Was there some steroids on the scene?

10:06AM 4 A. And there were steroids, yes.

10:06AM 5 Q. And I'm sorry, I missed the number of firearms.

10:06AM 6 A. Eight.

10:06AM 7 Q. And was ammunition in proximity to the firearms?

10:06AM 8 A. Yes.

10:06AM 9 Q. Were the firearms in proximity to marijuana and that

10:06AM 10 \$27,950?

10:06AM 11 A. Yes. So, the currency was in the closet in the bedroom.

10:06AM 12 And then there was one firearm in particular that was at the

10:07AM 13 side of the bed by a nightstand where ammunition and

10:07AM 14 marijuana were found.

10:07AM 15 Q. Did it appear that that firearm was, like, in a ready

10:07AM 16 position in proximity to where Mr. Masecchia would be

10:07AM 17 sleeping?

10:07AM 18 A. Yes.

10:07AM 19 Q. Shortly after that search, was Mr. Masecchia charged?

10:07AM 20 A. Yes.

10:07AM 21 Q. After he was charged, did he come in for what's called a

10:07AM 22 proffer interview?

10:07AM 23 A. He did.

10:07AM 24 Q. Did he come in a few times?

10:07AM 25 A. At least twice.

10:07AM 1 Q. Did you ask him questions during those proffer

10:07AM 2 interviews?

10:07AM 3 A. Yes.

10:07AM 4 Q. What was his demeanor when you asked Mr. Masecchia

10:07AM 5 questions?

10:07AM 6 A. He was evasive.

10:07AM 7 Q. Without getting into any results or questions asked, was

10:08AM 8 he polygraphed?

10:08AM 9 A. Yes.

10:08AM 10 Q. After that, did he ever submit to any further interviews

10:08AM 11 after that?

10:08AM 12 A. No.

10:08AM 13 Q. Ultimately, did Mr. Masecchia plead guilty in his own

10:08AM 14 case to conspiracy to distribute marijuana?

10:08AM 15 A. Yes.

10:08AM 16 Q. Did he not cooperate?

10:08AM 17 A. He did not.

10:08AM 18 Q. I'd like to ask you about Lou Selva.

10:08AM 19 After the search warrant that was led by Special Agent

10:08AM 20 Halliday that same day, without getting into what Special

10:08AM 21 Agent Halliday told you, did you learn details about what had

10:08AM 22 transpired at Mr. Selva's residence at 128 Rebecca Court that

10:08AM 23 day?

10:08AM 24 A. Yes.

10:08AM 25 Q. All right. Did you get to review the evidence that was

10:08AM 1 obtained from Mr. Selva's residence?

10:08AM 2 A. Yes.

10:08AM 3 Q. Within a short time after Mr. Selva's search warrant, did

10:09AM 4 he come in for a proffer interview?

10:09AM 5 A. Yes.

10:09AM 6 Q. Did Mr. Selva also -- had you become aware by that point

10:09AM 7 he had agreed to turn his cell phone over to be searched?

10:09AM 8 A. Yes.

10:09AM 9 Q. Did Mr. Selva come in for several proffers that you were

10:09AM 10 in?

10:09AM 11 A. Yes.

10:09AM 12 Q. Ultimately, was he polygraphed?

10:09AM 13 A. Yes.

10:09AM 14 Q. Without getting into the questions of the polygraph or

10:09AM 15 the results, after Mr. Selva was polygraphed, did he come in

10:09AM 16 for more proffer interviews?

10:09AM 17 A. Yes.

10:09AM 18 Q. As time went on, can you describe how Mr. Selva's

10:09AM 19 demeanor was in the beginning and how it progressed over time

10:09AM 20 over the course of the interviews following his polygraph?

10:09AM 21 A. He was very nervous, even scared in the beginning.

10:10AM 22 Q. Was he -- did he appear at times in the beginning to be

10:10AM 23 evasive?

10:10AM 24 A. Yes.

10:10AM 25 Q. Did he appear to be minimizing to you at times?

10:10AM 1 A. Yes.

10:10AM 2 Q. As time went on, what did you notice with respect to that  
10:10AM 3 portion of his demeanor?

10:10AM 4 A. As time went on, he became less evasive, more  
10:10AM 5 forthcoming.

10:10AM 6 Q. Did he become less evasive after the polygraph, in your  
10:10AM 7 review?

10:10AM 8 A. Yes.

10:10AM 9 Q. Ultimately, Mr. Selva went into grand jury?

10:10AM 10 A. He did.

10:10AM 11 Q. Did he remain scared and nervous?

10:10AM 12 A. Yes.

10:10AM 13 Q. Did that ever change?

10:11AM 14 A. No.

10:11AM 15 Q. Now, after Mr. Selva started proffering again, without  
10:11AM 16 getting into what he said in the proffers, did he provide you  
10:11AM 17 information that enabled you to go back and ask more specific  
10:11AM 18 questions to Mr. Serio?

10:11AM 19 A. Yes.

10:11AM 20 Q. Did the information that Mr. Selva provided you in his  
10:11AM 21 interviews result in better questions that you were able to  
10:11AM 22 ask Mr. Serio? More pointed questions, I should say?

10:11AM 23 A. Yes.

10:11AM 24 Q. Did Mr. Serio then provide you more information?

10:11AM 25 A. Yes.

1 Q. In terms of the amount of money that Mr. Serio had

2 initially indicated to you was involved in the bribes, what

3 did Mr. Serio -- how did he modify his answer?

4 A. Increased significantly, the amount.

5 Q. Did you tell him the amount that he bribed the defendant?

6 A. No.

7 Q. Did that information come from Mr. Serio?

8 A. Yes.

9 Q. Did you ever tell Mr. Serio, hey, Lou Selva told me X?

10 Did you ever tell Serio you were talking to Selva?

11 A. No.

12 Q. Did you ever tell Selva you were talking to Serio?

13 A. No.

14 Q. I'd like to move on to talk a little bit more about --

15 I'd like to actually go back and ask you a few more questions

16 about evidence that was recovered from Alder Place. I

17 apologize to circle back to that, but I forgot to ask a

18 couple questions. Okay?

19 So, going backwards in the timeline again, back to

20 June 6th, 2019, okay?

21 A. Yes.

22 Q. As a part of the -- essentially the lead case agent on

23 that matter, did you ultimately review all the evidence that

24 was seized and secured that day?

25 A. Yes.

10:13AM 1 Q. Did you seize some wedding cards that HSI had recovered  
10:13AM 2 from Mr. Bongiovanni's residence?

10:13AM 3 A. Yes.

10:13AM 4 Q. Okay. I'm going to hand you up another exhibit. I'm  
10:13AM 5 going to hand up what's previously been marked as Government  
10:13AM 6 Exhibit 100D. D, as in dog, sorry.

10:13AM 7 Generally, do you recognize Government Exhibit 100D?

10:14AM 8 A. Yes.

10:14AM 9 Q. Do you recognize 100D to be the different wedding cards  
10:14AM 10 that were seized during the search of Mr. Bongiovanni's  
10:14AM 11 residence by HSI on June 6th, 2019?

10:14AM 12 A. I do.

10:14AM 13 Q. Are they in the same or substantially same condition  
10:14AM 14 today as when you last saw them, other than now that there's  
10:14AM 15 a hole in the bag that you ripped open?

10:14AM 16 A. Yes.

10:14AM 17 Q. Can I see those cards for one moment?

10:14AM 18 Within that bag, are there two cards marked Government  
10:14AM 19 Exhibit 100D-1 and 100D-2?

10:14AM 20 A. Yes.

10:14AM 21 Q. Okay. I'd like to focus you in on those. Is 100D-1, a  
10:14AM 22 card that was seized, that is in the same or substantially  
10:14AM 23 same condition today as when it was recovered from  
10:15AM 24 Mr. Bongiovanni's residence?

10:15AM 25 A. Yes.



1 Q. And with regard to 100D-2, is that a wedding card that  
2 was seized from Mr. Bongiovanni's residence, and is it in the  
3 same or substantially same condition today as when it was  
4 seized?

5 A. Yes.

6 **MR. TRIPI:** The government offers just 100D-1 and  
7 100D-2, Your Honor.

8 **MR. MacKAY:** No objection, Your Honor.

9 **THE COURT:** They are received without objection.

10 **(GOV Exhibits 100D-1 and 2 were received in evidence.)**

11 **MR. TRIPI:** Thank you.

12 **BY MR. TRIPI:**

13 Q. Starting with 100D-1, if you wouldn't mind, who is that  
14 wedding card from?

15 A. It's signed by Lou Selva.

16 Q. Okay. And can you move on to 100D-2?

17 Could you tell the jury who that wedding card is from?

18 A. Hot Dog and Lynn.

19 Q. Now, through this investigation, do you know Hot Dog to  
20 be the nickname of a particular individual?

21 A. Paul Francoforte.

22 Q. And can you read for the jury what's written in the card  
23 from Hot Dog and Lynn?

24 A. It says, Love, Hot Dog and Lynn. Honored to be your  
25 friends. Many years of happiness.

1 Q. Okay. I'd like you to put that card down.

2 **MR. TRIPI:** Ms. Champoux, can we please pull up  
3 Government Exhibit 8A and go to page 347?

4 Just one moment, Your Honor.

5 **BY MR. TRIPI:**

6 Q. Do you recognize this document from the DEA file title  
7 Wayne Anderson C2-13-0026?

8 A. Yes.

9 Q. Is this a response -- a phone record for subscriber  
10 information related to an administrative subpoena for Paul  
11 Francoforte's phone number?

12 A. Yes.

13 Q. Is that phone number 716-866-2687?

14 A. Yes, I see it.

15 Q. Based upon your knowledge of the DEA DARTS system, is a  
16 subscriber subpoena like this for phone information  
17 sufficient to get an individual's name and number into DARTS  
18 for deconfliction purposes?

19 A. Yes.

20 Q. So, if an agent causes this to be put in DARTS associated  
21 with them, if this ever comes up on a wiretap, that agent  
22 will be notified?

23 A. Yes.

24 **MR. TRIPI:** We can take that down.

25

2 Q. During the course of your investigation, did you also  
3 have an opportunity to locate and review an online digital  
4 memorial for Joseph Todaro Sr.?  
5 A. Yes.  
6 Q. And did that online memorial have a number of photographs  
7 that were part of the memorial?  
8 A. It did.  
9 Q. I'm going to hand you up what's now marked Government  
0 Exhibit 393. Do you recognize Exhibit 393?  
1 A. I do.  
2 Q. What do you recognize that to be?  
3 A. Its a photograph that was included in the memorial.  
4 Q. And whose online memorial is that?  
5 A. Joseph Todaro Sr.  
6 Q. And during your interview of Mr. Bongiovanni, remind the  
7 jury what he told you in terms of the position that  
8 Todaro Sr. had.  
9 A. That he was the head of the Buffalo Mafia.  
0 Q. As well as Gerace's grandfather?  
1 A. Yes.  
2 Q. Is that photo --  
3 A. Actually, I should say that he had something to do with  
4 the Buffalo Mafia.  
5 Q. Thank you for the clarification.

1 In terms of the law enforcement reputation for  
2 Todaro Sr., were you familiar with that?

3 A. Yes.

4 Q. And what was that reputation?

5 A. That he was the head of the Buffalo Mafia.

6 Q. Okay. Is Government Exhibit 393, does it fairly and  
7 accurately depict a photo that was on part of the Todaro Sr.  
8 online memorial?

9 A. Yes.

10 **MR. TRIPI:** The government offers Exhibit 393,  
11 Your Honor.

12 **MR. MacKAY:** No objection.

13 **THE COURT:** Received without objection.

14 **(GOV Exhibit 393 was received in evidence.)**

15 **MR. TRIPI:** Ms. Champoux, can we publish Exhibit 393?

16 **BY MR. TRIPI:**

17 Q. Now, your screen is a touchscreen like a football  
18 telestrator. Can you show the jury who Mr. Todaro Sr. is in  
19 that photo by tapping your finger on the screen?

20 **MR. TRIPI:** May the record reflect he's placed a mark  
21 in green on the individual in the front row wearing a light  
22 green shirt on the photo.

23 **BY MR TRIPI:**

24 Q. Let's see here. Do you see Paul Francoforte, also known  
25 as Hot Dog in this photo?

10:20AM 1 A. Yes.

10:20AM 2 Q. Can you make a mark on him, please?

10:20AM 3 All right. I thought I changed the color, but we have  
10:20AM 4 another green mark placed on the individual whose left hand  
10:20AM 5 is on the shoulder of Todaro Sr. Is that an accurate  
10:20AM 6 description, Agent Ryan?

10:20AM 7 A. Yes.

10:20AM 8 Q. He's wearing a tan shirt?

10:20AM 9 A. Yes.

10:20AM 10 Q. And you've made a now plus mark on him, correct?

10:20AM 11 A. Yes.

10:20AM 12 Q. Okay. Is that the same person whose phone number was in  
10:20AM 13 that DARTS entry -- withdrawn -- in that subscriber subpoena  
10:20AM 14 response we just looked at?

10:20AM 15 A. Yes.

10:20AM 16 Q. Is that the same person who wrote Mr. Bongiovanni a  
10:20AM 17 wedding card?

10:20AM 18 A. Yes.

10:20AM 19 **MR. TRIPI:** Okay. We can take that down,  
10:20AM 20 Ms. Champoux. Thank you.

10:20AM 21 **BY MR. TRIPI:**

10:21AM 22 Q. We had just read stipulation Court Exhibit 6. Exhibit  
10:21AM 23 109F is in evidence. You reviewed Mr. Bongiovanni's contacts  
10:21AM 24 that were in his phone?

10:21AM 25 A. Yes.

10:21AM 1 **MR. TRIPI:** Ms. Champoux, let's pull up Exhibit 109F.

10:21AM 2 **BY MR. TRIPI:**

10:21AM 3 Q. And you see contact number 1 listed on Exhibit 109F?

10:21AM 4 A. I do.

10:21AM 5 Q. And who is that?

10:21AM 6 A. It says Louie.

10:21AM 7 Q. And is that the phone number for Mr. Selva?

10:21AM 8 A. It is.

10:21AM 9 **MR. TRIPI:** Ms. Champoux, can we go back for a moment

10:22AM 10 to Government Exhibit 8A?

10:22AM 11 And can you control F the last name Selva? I

10:22AM 12 apologize, I don't have a page number, but I think there

10:22AM 13 should be only one entry.

10:22AM 14 **BY MR. TRIPI:**

10:22AM 15 Q. Okay. We're now at Exhibit 8A on page 197. Do you

10:22AM 16 recognize this to be an administrative subpoena response?

10:22AM 17 A. Yes.

10:22AM 18 Q. That's in file C2-13-0026?

10:22AM 19 A. Yes.

10:22AM 20 Q. Is that for Lou Selva, and his phone number 903-1654?

10:22AM 21 A. Yes.

10:22AM 22 Q. That's the person that the defendant told you he was

10:22AM 23 friends with during his interview?

10:22AM 24 A. Yes.

10:22AM 25 Q. Let's go back now to Exhibit 109F, please. Is that the

1 same phone number the defendant had?

2 A. Yes.

3 Q. Again, that administrative subpoena response for

4 Mr. Selva, is that sufficient to get Mr. Selva's phone number

5 in DARTS?

6 A. The entry, yes. The -- the requesting of the subpoena

7 is, yes.

8 Q. Because the administrative subpoena is run through DARTS,

9 correct?

10 A. They're generated through the DARTS system, yes.

11 Q. And is that sufficient to be able to make sure that the

12 agent associated with the entry, in this case

13 Mr. Bongiovanni, would be notified if Mr. Selva's phone

14 number was ever on a wiretap?

15 A. Yes.

16 Q. Do you enter any of your close personal friends in DARTS?

17 A. No.

18 **MR. TRIPI:** At this point, Ms. Champoux, can we go

19 down to Government Exhibit 109F? Go to entry number 49 back

20 to Hot Dog for a moment.

21 Can we zoom in on that?

22 **BY MR. TRIPI:**

23 Q. Again, did Mr. Bongiovanni have the personal phone number

24 for Hot Dog in his phone?

25 A. Yes.

1 Q. Is that the same phone number that he subpoenaed that we  
2 looked at a moment ago?

3 A. Yes.

4 Q. Now you've also reviewed contacts from Mr. Serio, one of  
5 Mr. Serio's phones; is that right?

6 A. Yes.

7 Q. Did Mr. Serio also have the contact information with this  
8 same phone number for Hot Dog in his phone?

9 A. He did.

10 Q. Did Mr. Serio have the same contact information and phone  
11 number for Lou Selva in his phone?

12 A. Yes.

13 **MR. TRIPI:** Could we go to Exhibit 109F entry number  
14 72, please?

15 **BY MR. TRIPI:**

16 Q. Is there an entry for Parisi there?

17 A. Yes.

18 Q. And in Mr. Serio's phone, did you review that, was there  
19 an entry for a Frank Parisi with that same phone number?

20 A. Yes.

21 **MR. TRIPI:** Can we go to 109F number 6?

22 **BY MR. TRIPI:**

23 Q. Do you know through this investigation Mr. Bongiovanni to  
24 have a sister-in-law named Ashley Schuh?

25 A. Yes.



1 Q. Do you see an entry for an Ashley in record number 6 in  
2 his contact list?

3 A. Yes.

4 Q. Did Mr. Serio in the contacts of his phone have an Ash S  
5 with the same phone number?

6 A. Yes.

7 **MR. TRIPI:** Can we go to 109F at number 5, please?

8 **BY MR. TRIPI:**

9 Q. Are you familiar with the name Angelo Natale in this  
10 investigation?

11 A. Yes.

12 Q. Do you see a phone number there for a person named  
13 Angelo?

14 A. Yes.

15 Q. When you looked at Mr. Serio's contacts from his phone,  
16 did he have an Angelo Natale in his contacts with that same  
17 phone number?

18 A. Yes.

19 **MR. TRIPI:** Could we go to entry number 68 please in  
20 109F?

21 **BY MR. TRIPI:**

22 Q. Do you see an entry there for Mike Sinatra?

23 A. Yes.

24 Q. Is that the Mike Sinatra who HSI executed a search  
25 warrant at his residence on January 28th, 2019?

1 A. Yes.

2 **MR. TRIPI:** Can we go to number 82, please?

3 **BY MR. TRIPI:**

4 Q. Do you see an entry for T-H-O-M-A-D Napoli?

5 A. I do.

6 Q. Do you believe that to be Thomas Napoli, just a typo?

7 A. Yes.

8 Q. Thomas Napoli is someone we've seen in several photos, in  
9 particular 126, that we looked at yesterday?

10 A. Yes.

11 **MR. TRIPI:** Below that, can we go to the next entry,  
12 number 83?

13 **BY MR. TRIPI:**

14 Q. Do you see an entry for Doctor Tommy?

15 A. Yes.

16 Q. Did we see Tom Doctor in photo and Exhibit 127 yesterday?

17 A. Yes.

18 Q. Okay. I won't show those again.

19 **MR. TRIPI:** Okay. We can take 109F down, please.

20 **BY MR. TRIPI:**

21 Q. Yesterday we talked a little bit about your participation  
22 in the search of Pharaoh's Gentlemen's Club; do you remember  
23 that?

24 A. Yes, I do.

25 Q. Now, during the course of your investigation, subsequent

1 to the execution of that search warrant, did you acquire

2 various photos online and subpoena records regarding

3 photographs that were of individuals inside Pharaoh's?

4 A. Yes.

5 Q. Generally, just to clarify the timeline, before the

6 search warrant at Pharaoh's and at Mr. Gerace's residence on

7 December 12th, 2019, fair to say Ms. Nigro had not been

8 interviewed as part of this investigation?

9 A. She had not.

10 Q. So none of her information was part of how you got the

11 search warrants, right?

12 A. That's correct.

13 Q. When you did start, when law enforcement did start

14 interviewing her, did she provide certain information

15 regarding individuals who frequented Pharaoh's?

16 A. Yes.

17 Q. Did you see some of the photos of people that she

18 mentioned in the photos that you acquired?

19 A. Yes.

20 Q. Did that include some of the -- an attorney she

21 mentioned?

22 A. Yes.

23 Q. In the texts in Mr. Gerace's phone, did he have other

24 text threads that Special Agent Halliday reviewed and you

25 later became aware of?

10:29AM

1 A. Yes.

10:29AM

2 Q. Did -- did Gerace's phone contain text threads between

10:29AM

3 him and former New York State Supreme Court Judge John

10:29AM

4 Michalski?

10:29AM

5 A. Yes.

10:29AM

6 Q. I'd like to ask you a little bit about Mr. Bongiovanni's

10:29AM

7 partner at the DEA, Joseph Palmieri, okay?

10:29AM

8 A. Okay.

10:29AM

9 Q. Along the way, did he also become a subject of the

10:30AM

10 investigation?

10:30AM

11 A. Yes.

10:30AM

12 Q. Was he notified by letter that he was a subject of the

10:30AM

13 investigation?

10:30AM

14 A. Yes.

10:30AM

15 Q. Did you participate in several interviews of him?

10:30AM

16 A. Yes.

10:30AM

17 Q. What was his demeanor during the interviews you

10:30AM

18 conducted?

10:30AM

19 A. Evasive.

10:30AM

20 Q. Did he get -- did he take a polygraph?

10:30AM

21 A. Yes.

10:30AM

22 Q. Did he talk to you any more after that?

10:30AM

23 A. No.

10:30AM

24 Q. Did you acquire a search warrant and search his

10:30AM

25 residence?

10:30AM

1 A. Yes.

10:30AM

2 Q. Did another person who had worked with Bongiovanni at

10:30AM

3 DEA, Special Agent Mike Hill, become a subject of

10:30AM

4 investigation after he was interviewed?

10:30AM

5 A. Yes.

10:30AM

6 Q. Did he receive a notification that he was a subject of

10:30AM

7 this investigation?

10:30AM

8 A. Yes.

10:30AM

9 Q. Did Special Agent Greg Yensan who had worked with the

10:30AM

10 defendant and later became his supervisor, did he submit to a

10:30AM

11 series of interviews?

10:30AM

12 A. Yes.

10:30AM

13 Q. Was he later informed he was a subject of the

10:30AM

14 investigation?

10:30AM

15 A. Yes.

10:30AM

16 Q. Specifically was Palmieri, the one that we looked at

10:31AM

17 yesterday, that pulled the Wayne Anderson arrest reports in

10:31AM

18 that file?

10:31AM

19 A. Yes.

10:31AM

20 Q. Specifically the Wayne Anderson report, the day after

10:31AM

21 Wayne Anderson's arrest?

10:31AM

22 A. Yes.

10:31AM

23 Q. Was Mike Hill one of the case agents on the 2004 Mike

10:31AM

24 Masecchia case that had Mr. Bongiovanni listed as an "other

10:31AM

25 officer?"

1 A. Yes.

2 Q. Did Greg Yensan have some involvement, as far as you  
3 understood it, in C2-13-0026?

4 A. Yes.

5 Q. Were all three of them interviewed and asked questions  
6 about their knowledge of Bongiovanni's activities?

7 A. Yes.

8 Q. In the context of those questions, were all three of them  
9 evasive?

10 A. Yes.

11 Q. How would you contrast their demeanor to the interviews  
12 of Dave Leary, Shane Nastoff, and other DEA personnel?

13 **MR. MacKAY:** Objection.

14 **THE COURT:** Sustained.

15 **BY MR. TRIPI:**

16 Q. Do you believe Shane Nastoff was ever evasive?

17 **MR. MacKAY:** Objection.

18 **THE COURT:** Sustained.

19 **BY MR. TRIPI:**

20 Q. Did you interview Shane Nastoff?

21 A. No.

22 Q. Okay. Earlier I asked you about Lou Selva. And you had  
23 talked about him being nervous and scared; do you remember  
24 that?

25 A. Yes.

1 Q. Now, after the search warrant at Mr. Bongiovanni's  
2 residence, and then after the search warrant at Mr. Selva's  
3 residence, did you make a decision to not attempt to use  
4 Mr. Selva to make recordings regarding Mr. Bongiovanni?

5 A. Yes.

6 Q. Can you explain why you didn't think that would be an  
7 effective strategy for this investigation?

8 A. Given his demeanor, I didn't think he was capable of it.

9 Q. Was he nervous?

10 A. Yes.

11 Q. As far as you understood it through working with this  
12 defendant and being a member of law enforcement, did you  
13 believe the defendant was trained in handling sources and the  
14 methods that law enforcement used to wire up people?

15 A. Yes.

16 Q. Did that create an additional challenge to the  
17 investigation?

18 A. Yes.

19 Q. Did that combination cause you to not try that technique  
20 with Mr. Selva?

21 A. Yes.

22 Q. Did you believe you would be able to get the defendant in  
23 a controlled situation with Mr. Selva?

24 **MR. MacKAY:** Objection, speculation.

25 **THE COURT:** Sustained.

10:34AM 1 **MR. TRIPI:** It's his own belief, it's his own  
10:34AM 2 investigation. Can I argue it, Judge?

10:34AM 3 **THE COURT:** Sure, come on up.

10:34AM 4 (Sidebar discussion held on the record.)

10:34AM 5 **THE COURT:** I'll tell you, a lot of the stuff that  
10:34AM 6 you're doing, the defense is not objecting. But evasive, for  
10:34AM 7 instance, is not an observation about how someone is behaving.  
10:34AM 8 It's --

10:34AM 9 **MR TRIPI:** I believe--

10:34AM 10 **THE COURT:** -- it's an observation about whether  
10:34AM 11 their answers are truthful or consistent, or whether they're  
10:34AM 12 trying to avoid answering questions. So I don't think that is  
10:34AM 13 fair game.

10:34AM 14 **MR. TRIPI:** Judge, I--

10:34AM 15 **THE COURT:** But there haven't been any objection.

10:34AM 16 **MR. TRIPI:** Respectfully, I've gotten that type of  
10:34AM 17 testimony in at dozens of trials, so you may have a different  
10:35AM 18 view, but I think it's within a 701 opinion, firmly.

10:35AM 19 **THE COURT:** Evasive?

10:35AM 20 **MR. TRIPI:** Yeah. When you're asking questions. If  
10:35AM 21 you ask me questions, Judge, and I don't answer you, you can  
10:35AM 22 form an opinion I'm being evasive.

10:35AM 23 **THE COURT:** I don't know.

10:35AM 24 **MR. TRIPI:** You've probably done that at times  
10:35AM 25 sitting on the bench in terms of you're asking questions to



1 parties and they're not answering your questions. And you  
2 say -- you form a belief that they're being evasive, and you  
3 say, answer my question.

4 I think I've been on the other side of some of those.

5 **THE COURT:** Maybe. Maybe. But anyway, so let's talk  
6 about this one.

7 **MR. TRIPI:** Okay. So, can you refresh my memory why  
8 we -- oh, what was the objection?

9 **MR. MacKAY:** About --

10 **THE COURT:** Whether he thought he could get  
11 Bongiovanni --

12 **MR. TRIPI:** It might be a foundational issue, Judge.  
13 I did go right to the question. But they crossed another  
14 witness, and I think they opened on no recordings and stuff  
15 like that. And so --

16 **THE COURT:** He's already said that he --

17 **MR. TRIPI:** He didn't use the tactic, but I think a  
18 little explanation about why beyond, you know, you have to be  
19 in a controlled -- I can certainly lay more foundation, but  
20 you have to be in a controlled environment controlled by law  
21 enforcement, and where I'm driving at is that he -- part of  
22 his assessment is he didn't think he would be able -- after  
23 the search warrant at Selva's house, he didn't think he'd be  
24 able to create a scenario that was controlled and safe. And I  
25 don't have to use the word "safe," but controlled by law

1 enforcement to be able to use that tactic.

2 Now I've got pieces of it out, but that was sort of  
3 the last prong that I wanted to cover.

4 **THE COURT:** Okay. If you want to try to lay more  
5 foundation, I'll --

6 **MR. TRIPI:** Okay.

7 **THE COURT:** -- I'll consider it. But I don't think  
8 there's enough there.

9 Go ahead, Mr. --

10 **MR. MacKAY:** And the objection I think, too, is that  
11 it's sort of pre-loading the answer of that when we think  
12 we're gonna do that because we think we're gonna trip him up  
13 he's gonna be guilty. It sort of front loads that assumption  
14 to the jury that they're trying to catch him in something, and  
15 that -- it's inserting his belief that he believes he's  
16 guilty, and he's gonna try to set that up.

17 **MR. TRIPI:** I'll try to lay more foundation, Judge --

18 **THE COURT:** Go ahead.

19 **MR. TRIPI:** -- and I'll move on if we can't.

20 **THE COURT:** Okay.

21 (End of sidebar discussion.)

22 **BY MR. TRIPI:**

23 Q. All right. I'd like to try to ask you a couple more  
24 questions on the issue of controlled recordings using Lou  
25 Selva. Okay?

10:37AM 1 You've talked a little bit about some of your  
10:37AM 2 decisionmaking process, but let me step back for a second.

10:37AM 3 When you use that law enforcement technique, is -- do you  
10:37AM 4 have to ensure the safety of the operation?

10:37AM 5 A. Yes.

10:37AM 6 Q. Is part of ensuring the safety of the operation, does it  
10:37AM 7 relate to law enforcement being able to control the scenario  
10:37AM 8 where the person with the recording and the person who you  
10:37AM 9 want to record will be situated?

10:37AM 10 A. Yes.

10:37AM 11 Q. Generally can you describe for the jury, just in a  
10:37AM 12 general case, how that's done?

10:37AM 13 A. Primarily, by trying to always dictate the location so  
10:37AM 14 that it's a location that law enforcement, the cover team,  
10:38AM 15 has advanced notice of.

10:38AM 16 Q. What do you mean by "cover team?"

10:38AM 17 A. The people closest to either an undercover agent or the  
10:38AM 18 person cooperating with law enforcement.

10:38AM 19 Q. Is that for safety purposes?

10:38AM 20 A. They're primarily responsible for the safety of the  
10:38AM 21 person in the covert role.

10:38AM 22 Q. Okay. And generally speaking, could this be a dangerous  
10:38AM 23 technique to utilize?

10:38AM 24 A. Yes.

10:38AM 25 Q. Now, did -- did -- did those considerations factor also

1 into your decisionmaking ability or your decision making with  
2 respect to whether you were going to ask Mr. Selva to try  
3 that technique with the defendant?

4 **MR. MacKAY:** Same objection, Judge.

5 **THE COURT:** Yeah, sustained.

6 **BY MR. TRIPI:**

7 Q. Okay. Ultimately, you didn't use that technique for the  
8 reasons that you've at least stated already?

9 A. Yes.

10 **MR. MacKAY:** Same objection, Judge.

11 **MR. TRIPI:** He's answered some portions of it.

12 **THE COURT:** That's overruled.

13 **MR. MacKAY:** The remainder, I thought he said, for  
14 the reasons you just stated.

15 **MR. TRIPI:** He had answered some of it earlier,  
16 Your Honor.

17 **THE COURT:** No, so -- so, ultimately, you didn't use  
18 that technique is fine.

19 For the same reasons, no, that's the same objection  
20 and that is sustained.

21 So the jury will strike that answer.

22 You can ask another question, but not that question.

23 **MR. TRIPI:** Okay.

24 **BY MR. TRIPI:**

25 Q. All right. We're going to move on, okay?

1 All right. I'd like to get back to the file that was  
2 seized on June 6th, 2019. Okay?

3 A. Yes.

4 Q. Okay. Government Exhibit 100A is in evidence. Are there  
5 a couple documents that were originally in 100A that at  
6 various other proceedings got marked separately?

7 A. Yes.

8 Q. So I'd like to show you those documents if I can now and  
9 ask you a few questions. Okay?

10 First I'm going to hand up, for the record, Government  
11 Exhibit 100E-1 and 100F-1. Do you need to see those?

12 **MR. TRIPI:** All right. Judge, I'm handing up 100E-1  
13 and 100F-1.

14 I'm also handing up 100A, which is already in  
15 evidence.

16 **BY MR. TRIPI:**

17 Q. Do you recognize 100E-1 and 100F-1 to be documents that  
18 are marked separately, but were also part of the original  
19 case file that was recovered from the defendant's residence?

20 A. Yes.

21 **MR. TRIPI:** The government offers 100E-1 and 100F-1,  
22 Your Honor.

23 **MR. MacKAY:** No objection.

24 **THE COURT:** Received without objection.

25 **(GOV Exhibits 100E-1 and 100F-1 were received in evidence.)**

10:41AM 1 **MR. MacKAY:** Judge, is it possible we could  
2 potentially take a comfort break?

10:41AM 3 **THE COURT:** Sure, absolutely. So let's take --

10:41AM 4 **MR. TRIPI:** No objection.

10:41AM 5 **THE COURT:** Yeah. Let's take our morning break right  
6 now. Remember my instructions about not communicating about  
7 the case even with each other, and not making up your mind.

10:41AM 8 See you back here in about 15 minutes.

10:41AM 9 (Jury excused at 10:41 a.m.)

10:42AM 10 **THE COURT:** Okay, anything for the record?

10:42AM 11 **MR. TRIPI:** No, Your Honor.

10:42AM 12 **THE COURT:** Anything?

10:42AM 13 **MR. MacKAY:** No, Judge. Thank you.

10:42AM 14 Mr. Bongiovanni just --

10:42AM 15 **THE COURT:** That's fine.

10:42AM 16 **THE DEFENDANT:** Thank you, Your Honor.

10:42AM 17 **THE CLERK:** All rise.

10:42AM 18 (Off the record at 10:42 a.m.)

11:02AM 19 (Back on the record at 11:02 a.m.)

11:02AM 20 (Jury not present.)

11:02AM 21 **THE CLERK:** All rise.

11:02AM 22 **THE COURT:** We are back on the record for the  
23 continuation of the jury trial in case number 19-cr-227,  
24 United States of America versus Joseph Bongiovanni.

11:02AM 25 All counsel and parties are present.

11:03AM 1 (Jury seated at 11:03 a.m.)

11:03AM 2 **THE COURT:** Okay. The record will reflect that all  
11:03AM 3 our jurors are present.

11:03AM 4 I have a couple requests from you folks on the jury.  
11:03AM 5 First, you've asked whether you can wear Buffalo Bills gear  
11:03AM 6 tomorrow. The answer to that is: Yes, you're welcome to.

11:03AM 7 And question number 2 is that one of the jurors has a  
11:03AM 8 reservation for dinner and an overnight stay at Salvatore's  
11:03AM 9 next week, and the question is whether she can keep that  
11:03AM 10 reservation because the trial is ongoing, and I've instructed  
11:03AM 11 you not to visit places that have been mentioned.

11:03AM 12 We've talked about it. There's no reason not to do  
11:03AM 13 that. I don't know which of the jurors has that request, but  
11:04AM 14 there's no reason for you not to go. There's nothing about  
11:04AM 15 that place that might, we don't think, that might affect your  
11:04AM 16 ability to be fair.

11:04AM 17 Anything you see, obviously, if there's something  
11:04AM 18 that changes as a result of your going there, let us know.  
11:04AM 19 But we don't -- none of the lawyers nor I see any reason why  
11:04AM 20 you can't go there. So the answer is: Yes, you can go.

11:04AM 21 I remind the witness he's still under oath.

11:04AM 22 And, Mr. Tripi, you may continue.

11:04AM 23 **MR. TRIPI:** Thank you, Your Honor.

11:04AM 24 **BY MR. TRIPI:**

11:04AM 25 Q. Earlier I handed up Government Exhibit 100A. I just want

1 to ask you a few more questions about that.

2 Regarding the documents that are -- that are in the file,  
3 including 100A, 100E-1 and 100F-1, did you and Special Agent  
4 Halliday work together to scan the documents and to  
5 potentially try to make it easier to review them in court as  
6 opposed to thumbing through each of the documents?

7 A. Yes.

8 Q. And when you did that, did you try to organize the  
9 documents that were in there in a way that made it logical?

10 A. Yes.

11 Q. However, sometimes did you scan documents that might not  
12 belong in the same PDF, for lack of a better ways to phrase  
13 it?

14 A. Possibly, yes.

15 Q. Okay. Now, this Government Exhibit 100A.1 is already in  
16 evidence, but is that the exhibit that was generated in terms  
17 of the PDF scans that you and Special Agent Halliday did?

18 A. Yes.

19 **MR. TRIPI:** If we could, please, bring up  
20 Exhibit 100A.1.

21 **BY MR. TRIPI:**

22 Q. And are these the scans that you guys created?

23 A. Yes.

24 Q. All right. I'd like to work through just a couple of  
25 these. Okay?



1 First of all, before I get into specific documents, in  
2 terms of your work as a trained agent at the DEA and Homeland  
3 Security, by monitoring a lead phone, does that -- of an  
4 organization, does that usually also help you get to the  
5 subordinates of the organization?

6 A. Something bumped and I wasn't able to hear the middle of  
7 your question, I'm sorry.

8 Q. By monitoring -- if you were to get a wiretap to monitor  
9 a lead phone of a leader of an organization, does that also  
10 help you to get to the subordinates in the organization who  
11 are in contact with the leadership?

12 A. Yes, it could.

13 Q. And it is a main goal and objective usually in an  
14 investigation to get to the leadership's phones?

15 A. Yes.

16 Q. For a wiretap?

17 A. Yes.

18 Q. And we've heard a lot about that, but is that a lengthy  
19 process of doing enough investigation to get up to a wiretap?

20 A. Yes.

21 Q. Okay.

22 **MR. TRIPI:** Now, Ms. Champoux, I'd like you to click  
23 on the PDF that's labeled, there's a long number in front of  
24 it, but Serio toll analysis. Do you see that? Right there.  
25 Serio T, toll analysis. All right.

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**BY MR. TRIPI:**

Q. Do you see this document that was recovered in the file that was in the defendant's residence?

A. Yes.

Q. Are you familiar generally, with these types of documents?

A. Yes.

Q. What does this appear to be to you, based on your time at DEA Buffalo office?

A. It's the subscriber report for -- generated from subpoena results.

Q. And the way, in the ordinary course and practice at DEA Buffalo, do intel analysts work with case agents and special agents to subpoena phone records and create these types of reports?

A. Yes. And then this one is what we would typically -- the jargon for it is a "hot sheet." So, it goes from most-dialed number to least-dialed number from the target phone for whatever the period of tolls is.

Q. So, you're talking about this row here that talks about frequency?

A. Yes.

Q. And that number in there is the number of contacts that the target number has with the phone number listed in the chart?

11:08AM 1 A. Yes.

11:08AM 2 Q. And this particular hot number list, it relates to a

11:08AM 3 phone number 561-801-0221; is that right?

11:08AM 4 A. Yes.

11:08AM 5 Q. And it was associated to a DEA file C2-11-0126?

11:08AM 6 A. Yes.

11:08AM 7 Q. Under that, there's a name Bongo; do you see that?

11:08AM 8 A. I do.

11:08AM 9 Q. Is that ordinary practice for the intel analyst to list

11:08AM 10 the case number and the agent on the hot sheet?

11:09AM 11 A. Yes.

11:09AM 12 Q. And then there's some hand-written information regarding

11:09AM 13 Thomas Serio, sort of above the spreadsheet?

11:09AM 14 A. Yes, I see that.

11:09AM 15 Q. Or at the top of the list, I should say? Do you see that

11:09AM 16 there?

11:09AM 17 A. I do.

11:09AM 18 Q. Okay. If we go down to entry number 15, do you see that

11:09AM 19 name, John Robinson?

11:09AM 20 A. I do.

11:09AM 21 Q. Do you recognize that name?

11:09AM 22 A. Yes.

11:09AM 23 Q. Is that someone you interviewed in the course of your

11:09AM 24 investigation of these matters?

11:09AM 25 A. Yes.

11:09AM 1 Q. What year did you interview John Robinson?

11:09AM 2 A. 2019, 2020 -- oh, no. 2020. At least that late.

11:09AM 3 Q. Did you interview him a couple of times?

11:09AM 4 A. Yes.

11:09AM 5 Q. By the time you went to interview John Robinson, was it

11:09AM 6 your understanding he was a member of the Ron Serio

11:09AM 7 trafficking organization?

11:09AM 8 A. I mean, his name appeared several times in the file. One

11:10AM 9 of the reasons for locating him and interviewing him was to

11:10AM 10 try to understand that relationship and if and how he --

11:10AM 11 involved he was with the Ron Serio organization.

11:10AM 12 Q. And that was a name that, in part, you learned through

11:10AM 13 the documents that were in Mr. Bongiovanni's basement?

11:10AM 14 A. Yes.

11:10AM 15 Q. All right. Now, do you see this hot number list at the

11:10AM 16 top, do you see run date?

11:10AM 17 A. Yes.

11:10AM 18 Q. What date does that say?

11:10AM 19 A. November 30th, 2012.

11:10AM 20 Q. And do you see the case file that that's run out of?

11:10AM 21 A. According to the handwritten note, it's C2-11-0126.

11:10AM 22 Q. And under that you see a name Bongo. Was that a nickname

11:11AM 23 for somebody in the DEA Buffalo office?

11:11AM 24 A. Mr. Bongiovanni.

11:11AM 25 Q. So is that an indication that this was a hot list for him

1 that an analyst did?

2 A. Yes.

3 Q. Now, what's the date that the subpoena and that hot list  
4 was run, the run date?

5 A. Oh. November 30th, 2012.

6 **MR. TRIPI:** And, Ms. Champoux, can we go to  
7 Government Exhibit 8A at page 365?

8 **BY MR. TRIPI:**

9 Q. Now, this is a subpoena response regarding Thomas Serio  
10 in file C2-13-0026; is that right?

11 A. Yes.

12 Q. And what date is this subpoena?

13 A. March 13th, 2013.

14 Q. Is it the same phone number for the hot list that we just  
15 looked at, that was in the box in the basement?

16 A. Could I see the other one again, please?

17 Q. Yeah, we can't toggle them next to each other, so let's  
18 pull that back up. We're looking again at a PDF, just for  
19 the record, in Exhibit 100A.1, it's 5618010221 Serio T toll  
20 analysis PDF.

21 A. Yes. It's the same number.

22 Q. So, this was run out of a different file?

23 A. Yes.

24 **MR. TRIPI:** Let's go back to Exhibit 8A as page 365.

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25                   **MR. TRIPI:** Ms. Champoux, can you scroll upwards, so

1 to the next DEA-6 in the file, and I'll call out the page  
2 number that it is.

3 Scroll to the second page of that. Third page.

4 Sorry. All right.

5 **BY MR. TRIPI:**

6 Q. There's a DEA-6 that's cross-referenced to the file  
7 prepared January 17th, 2013. Is Tom Serio indexed there?

8 A. No.

9 **THE COURT:** Can you state the page?

10 **MR. TRIPI:** Oh, I'm sorry, yes, Your Honor. We are  
11 looking at now Exhibit 8A at page 21.

12 Ms. Champoux, can we go up to the earlier DEA-6 now?

13 Okay. Let's stop there.

14 **BY MR. TRIPI:**

15 Q. There's another DEA-6 in the file, February 7th, 2013; is  
16 that right?

17 A. Yes.

18 Q. And now we're looking at Exhibit 8A, page 18. Is Tom  
19 Serio indexed there?

20 A. No.

21 Q. But we just looked -- his phone number was run out of a  
22 different file on a hot list November 30th, correct --

23 A. Yes.

24 Q. -- of 2012?

25 A. Yes, 2012.



1 Q. Okay.

2 **MR. TRIPI:** Let's go to the next DEA-6 in the file,  
3 Ms. Champoux. We're going to go to page 16 and 17.

4 **BY MR. TRIPI:**

5 Q. All right. So this one is a cross-reference to the file  
6 of a source debriefing, correct?

7 A. Yes.

8 Q. And this is February 22nd, 2013?

9 A. Yes.

10 **MR. TRIPI:** All right. Let's scroll down there and  
11 see if he's indexed.

12 **BY MR. TRIPI:**

13 Q. Now on February 22nd, 2012, the author of this report  
14 indexed Thomas Serio; is that right?

15 A. Yes.

16 Q. And he provided the NADDIS number and a telephone number?

17 A. Yes.

18 Q. And this report was written from C2-12-0090; is that  
19 right?

20 A. Yes.

21 **MR. TRIPI:** All right. Ms. Champoux, let's go back  
22 to Government Exhibit 108.1, that PDF we were looking at  
23 earlier.

24 **BY MR. TRIPI:**

25 Q. Nastoff's file is a different file than the one indicated

1 in the upper right-hand corner with the word Bongo under it;  
2 is that correct?

3 A. Yes.

4 **MR. TRIPI:** Okay. Let's go back to Exhibit 8A.

5 **BY MR. TRIPI:**

6 Q. And for the record, this January -- February 22nd, 2013,  
7 DEA-6 we just looked at was authored by Special Agent  
8 Nastoff; is that right?

9 A. Could I see that? Yes.

10 **MR. TRIPI:** Ms. Champoux, let's go to the next DEA-6  
11 in the file. We'll be heading to pages -- I think 13, 14, and  
12 15, but let's go to the first page of that.

13 **BY MR. TRIPI:**

14 Q. Okay. Now we're looking at a DEA-6 in the Wayne Anderson  
15 file, which you understand to be the Serio file; correct?

16 A. Yes.

17 Q. Date prepared is May 2nd, 2013?

18 A. Yes.

19 Q. This is the initial source debriefing of who we know is  
20 R.K.; is that right?

21 A. Yes.

22 Q. Who's the author of this report?

23 A. Joseph Bongiovanni.

24 **MR. TRIPI:** Let's scroll.

25 **THE COURT:** What page are we on?

1 **MR. TRIPI:** Thank you, Judge. We're looking at  
2 Government Exhibit 8A at page 13. And it's page 1 of 3 of  
3 that DEA-6 dated May 2nd, 2013.

4 **BY MR. TRIPI:**

5 Q. Now, I'm not going to have you read the whole thing, but  
6 names that are mentioned are Ronald Serio, Thomas Serio, and  
7 David Oddo in this source debriefing among others, correct?

8 A. Yes.

9 **MR. TRIPI:** Okay. Let's scroll down, Ms. Champoux,  
10 and look at the indexing.

11 **BY MR. TRIPI:**

12 Q. Okay. Now this one was authored by Mr. Bongiovanni,  
13 correct?

14 A. Yes.

15 Q. We're looking at Exhibit 8A at page number 15. What did  
16 Mr. Bongiovanni write for Thomas Serio's NADDIS?

17 A. He said it was negative.

18 Q. Didn't we just look at one from February where there was  
19 a NADDIS number that Shane Nastoff wrote in there?

20 A. Yes.

21 **MR. TRIPI:** Now let's go to the next DEA-6.

22 **BY MR. TRIPI:**

23 Q. Is that the first time on a report that Mr. Bongiovanni's  
24 authoring in terms of a DEA-6 that Mr. Serio was indexed?

25 A. Yes.

1 Q. Okay. And I should say Thomas Serio, correct?

2 A. Thomas Serio, yes.

3 **MR. TRIPI:** Keep scrolling up. Let's go to the next  
4 one.

5 **BY MR. TRIPI:**

6 Q. Now we're looking at June 18th, 2013, surveillance DEA-6  
7 authored by Defendant Bongiovanni. We're at Exhibit 8A at  
8 page 12; is that right?

9 A. Yes.

10 Q. Who's the author of this report?

11 A. Joseph Bongiovanni.

12 Q. And what did he write for Thomas Serio's NADDIS number?

13 A. That it was pending.

14 Q. But we know from Nastoff's report there was a NADDIS  
15 number back in February of 2013; is that right?

16 A. Yes.

17 **MR. TRIPI:** Let's go to the next DEA-6 in the file.

18 **BY MR. TRIPI:**

19 Q. Is this a DEA-6 authored by the defendant September 11th,  
20 2013?

21 A. Yes.

22 Q. We're looking at Exhibit 8A at page 11; is that right?

23 A. Yes.

24 Q. What did he write for Thomas Serio's NADDIS number here?

25 A. Pending.

1 Q. But again, there was one back in February already,  
2 correct?

3 A. Yes.

4 **MR. TRIPI:** Let's go to Exhibit 8A, the next page up,  
5 page 10. Let's go to page 9, I'm sorry.

6 **BY MR. TRIPI:**

7 Q. This is a DEA-6 case status written by Defendant  
8 Bongiovanni on December 31st, 2013?

9 A. Yes.

10 Q. And we're looking at Exhibit 8A at page 9 now, right?

11 A. Yes.

12 Q. Is Thomas Serio referenced anywhere in the indexing?

13 A. No.

14 **MR. TRIPI:** Let's go to the next DEA-6 in the file.  
15 Let's go to the first page of it. We're looking now at  
16 Exhibit 8A at page 7.

17 **BY MR. TRIPI:**

18 Q. Is this a status update, excuse me, written by the  
19 defendant April 7th, 2014?

20 A. Yes.

21 Q. We're at Exhibit 8A at page 7. Does it reference Thomas  
22 Serio at all --

23 A. No.

24 Q. -- in the indexing?

25 A. No, it does not.

11:22AM 1 **MR. TRIPI:** Let's go to Exhibit 8A at page 6.

11:22AM 2 **BY MR. TRIPI:**

11:22AM 3 Q. Is this another case status written by the defendant,  
11:22AM 4 this one's July 7th, 2014?

11:22AM 5 A. Yes.

11:22AM 6 Q. Again, this is in file C2-13-0026, correct?

11:22AM 7 A. Yes.

11:22AM 8 Q. Does the indexing reference Tom Serio at all?

11:22AM 9 A. No.

11:22AM 10 **MR. TRIPI:** Let's go to the next DEA-6 in the file.

11:22AM 11 **BY MR. TRIPI:**

11:22AM 12 Q. Is this another case status authored by the defendant,  
11:23AM 13 this one November 4th, 2014?

11:23AM 14 A. Yes.

11:23AM 15 Q. And we're at Exhibit 8A at page 5; is that right?

11:23AM 16 A. Yes.

11:23AM 17 Q. Does he index Thomas Serio at all?

11:23AM 18 A. No.

11:23AM 19 **MR. TRIPI:** And let's go to the final one in the  
11:23AM 20 file.

11:23AM 21 **BY MR. TRIPI:**

11:23AM 22 Q. Looking at this, is this a case closing DEA-6 authored by  
11:23AM 23 the defendant, January 28th, 2015?

11:23AM 24 A. Yes.

11:23AM 25 Q. In this one, does he index either Ron Serio or Tom Serio?

11:23AM 1 A. No.

11:23AM 2 **THE COURT:** Is this page 4?

11:23AM 3 **MR. TRIPI:** Yes, Exhibit 8A, page 4. Thank you,  
11:23AM 4 Your Honor.

11:23AM 5 We can zoom out of that, close that down,  
11:23AM 6 Ms. Champoux. Now, let's go back to Exhibit 100A.1.

11:24AM 7 **BY MR. TRIPI:**

11:24AM 8 Q. You've reviewed the DARTS deconflictions that are -- that  
11:24AM 9 are scanned in this exhibit; is that correct?

11:24AM 10 A. Yes.

11:24AM 11 Q. For the DARTS deconflictions regarding -- that relate to  
11:24AM 12 Thomas Serio, Ronald Serio, do those DARTS deconflictions  
11:24AM 13 indicate that there were no -- their phones were not being  
11:24AM 14 intercepted by any wiretaps?

11:24AM 15 A. Yes.

11:24AM 16 Q. As a result, any subordinates that were in touch with  
11:24AM 17 them on those phones would not be intercepted on any  
11:24AM 18 intercepts of Thomas or Ronald Serio's phones, correct?

11:24AM 19 A. Correct.

11:24AM 20 **MR. TRIPI:** Ms. Champoux, if we can go -- there's a  
11:24AM 21 PDF labeled DARTS email 01-07-2019. Can you find that? Thank  
11:24AM 22 you.

11:24AM 23 **BY MR. TRIPI:**

11:24AM 24 Q. We've had testimony about this, but DARTS deconflictions  
11:25AM 25 are automatic email notices; is that right?

11:25AM 1 A. Yes.

11:25AM 2 Q. In order for an email to make its way to a file folder

11:25AM 3 like Exhibit 100A, what steps need to occur for a DARTS email

11:25AM 4 to make it into a file folder like this?

11:25AM 5 A. You would have to print it.

11:25AM 6 Q. Then what?

11:25AM 7 A. And then, well, I mean, where we found that, take it

11:25AM 8 home.

11:25AM 9 Q. Put it in the file?

11:25AM 10 A. Put it in the file, take it home.

11:25AM 11 Q. And is this a DARTS deconfliction email that the

11:25AM 12 defendant received among others on January 7th, 2019?

11:25AM 13 A. Yes.

11:25AM 14 Q. And do you see where it says an investigative overlap was

11:25AM 15 created by?

11:25AM 16 A. Yes.

11:25AM 17 Q. Can you explain for jury what that means?

11:25AM 18 A. It means that Special Agent Casullo and Shawn Hoerner,

11:26AM 19 who was an analyst, entered something that overlapped with a

11:26AM 20 file or entered a telephone number that overlapped with, or

11:26AM 21 excuse me, it was in common with numbers that the other

11:26AM 22 people who had entered or received this email entered

11:26AM 23 previously.

11:26AM 24 Q. So, this is a -- this is a notification, this is an

11:26AM 25 example of the deconfliction database at work?



11:26AM 1 A. Yes.

11:26AM 2 Q. So some -- and a phone number, Special Agent Casullo was  
11:26AM 3 investigating intersected with a phone number that  
11:26AM 4 Mr. Bongiovanni had caused to be put in DARTS?

11:26AM 5 A. Yes.

11:26AM 6 **MR. TRIPI:** Ms. Champoux, this is only seven pages.  
11:26AM 7 Can we scroll down, please?

11:26AM 8 Okay. Stop there.

11:26AM 9 **BY MR. TRIPI:**

11:26AM 10 Q. So, we have Trinity item 1. We've heard some testimony  
11:26AM 11 about what that means, but can you remind the jury what that  
11:27AM 12 is?

11:27AM 13 A. Telephone number that was entered.

11:27AM 14 Q. Okay. So this is the phone number that was entered --

11:27AM 15 A. Yes.

11:27AM 16 Q. -- right?

11:27AM 17 And the remarks section under priority 3, that first one  
11:27AM 18 across, you got the request January 7, 2019. Does that  
11:27AM 19 indicate that was the same date as the -- date as the top of  
11:27AM 20 the email, correct?

11:27AM 21 A. Yes.

11:27AM 22 Q. Does that indicate that that's the entry that caused this  
11:27AM 23 overlap?

11:27AM 24 A. Yes.

11:27AM 25 Q. And it gives you the case number. And who was the

1 request run by?

2 A. Special Agent Casullo and Shawn Hoerner.

3 Q. And what was the remark?

4 A. From numbers in contact with Mike Sinatra related to a  
5 burglary and drug trafficking in Buffalo and Niagara County.

6 Q. And then there's another entry related to that same file  
7 number a couple days -- with a different request date; do you  
8 see that?

9 A. Are you talking about the next one down?

10 Q. No, the one below that.

11 A. Two down? From January 3rd?

12 Q. Yeah.

13 A. Yes.

14 Q. And was that also ran by Special Agent Casullo?

15 A. Yes.

16 Q. What were the remarks he put in there?

17 A. Numbers related to ongoing investigation in Tonawanda,  
18 New York, and worked jointly with HSI Buffalo. Information  
19 provided by TTPD Detective Campanella.

20 **MR. TRIPI:** Let's scroll down.

21 **BY MR. TRIPI:**

22 Q. We have another Trinity item here; is that right?

23 A. Yes.

24 **MR. TRIPI:** Can we go -- can we go down to Trinity  
25 item 1?

11:28AM 1 **BY MR. TRIPI:**

11:28AM 2 Q. With the phone number 716-866-2687, is that another

11:28AM 3 request run January 7th, 2019, by Special Agent Casullo?

11:28AM 4 A. Yes.

11:28AM 5 Q. And he put some remarks in there?

11:28AM 6 A. Yes.

11:28AM 7 Q. Does that mean that according to what Casullo wrote, does

11:29AM 8 that mean that this phone number, 866-2687, was a phone

11:29AM 9 number in contact with Michael Sinatra?

11:29AM 10 A. Yes.

11:29AM 11 Q. And did Bongiovanni receive notice of that based upon

11:29AM 12 something that he did in terms of a subpoena in 13-0026, the

11:29AM 13 Wayne Anderson/Ron Serio file?

11:29AM 14 A. Yes.

11:29AM 15 Q. And in the remarks for that entry, what -- what did the

11:29AM 16 analyst write, per Special Agent Bongiovanni?

11:29AM 17 A. Number part of ongoing narcotics investigation in contact

11:29AM 18 with target number 716-830-3226.

11:29AM 19 Q. And through a review of the other DARTS entries in this

11:29AM 20 file folder and the case, is that 830-3226 number, was that a

11:29AM 21 phone number associated with Ron Serio?

11:29AM 22 A. Yes.

11:30AM 23 Q. Did your mic go out again?

11:30AM 24 A. It did, yes.

11:30AM 25 Q. All right.

11:30AM 1 **MR. TRIPI:** Ms. Champoux, I'd like you to go back to  
11:30AM 2 Exhibit 8A, at page 347, so we can see whose phone number is  
11:30AM 3 716 -- hang on one second, let me finish, sorry -- so we can  
11:30AM 4 see who phone number 866-2687 belongs to.

11:30AM 5 All right. Now we can go to Exhibit 8A at 347.

11:30AM 6 **BY MR. TRIPI:**

11:30AM 7 Q. So whose phone number is that?

11:30AM 8 A. Paul Francoforte.

11:30AM 9 **MR. TRIPI:** Ms. Champoux, can you put up this  
11:30AM 10 Exhibit 393 again?

11:30AM 11 **BY MR. TRIPI:**

11:30AM 12 Q. Is that the person with his hand on Todaro Sr.'s  
11:30AM 13 shoulder --

11:30AM 14 A. Yes.

11:30AM 15 Q. -- in Exhibit 393? I should make a better record.

11:31AM 16 A. Yes.

11:31AM 17 **MR. TRIPI:** We can take 393 down, Ms. Champoux.

11:31AM 18 And could we go back to Exhibit 100A.1?

11:31AM 19 **BY MR. TRIPI:**

11:31AM 20 Q. As part of the work that he originally was doing for  
11:31AM 21 Mr. Bongiovanni as it related to Ron Serio, did Scott Deming  
11:31AM 22 provide various financial spreadsheets to Mr. Bongiovanni in  
11:31AM 23 that initial investigation?

11:31AM 24 A. Yes.

11:31AM 25 **MR. TRIPI:** Ms. Champoux, can you go to a PDF called

1 financial spreadsheet? Thank you. Can we open that up in  
2 Exhibit 100A.1?

3 **BY MR. TRIPI:**

4 Q. Now, it's 158 pages, but do you see on page 1 there's an  
5 entry for Ronald Serio memo-loan?

6 A. Yes.

7 **MR. TRIPI:** Ms. Champoux, kind of just scroll  
8 through, I'm going to ask some questions as we go. Keep  
9 going.

10 **BY MR. TRIPI:**

11 Q. Have you looked at this document before?

12 A. Yes.

13 Q. Do you recognize this to be financial work that Scott  
14 Deming did in the original Serio case file?

15 A. Yes. This -- it's part of a spreadsheet that's wider  
16 than the page it was printed on, so this is probably the  
17 far-right column of, you know, a spreadsheet of data.

18 Q. And this was, again, to be clear, found in the  
19 defendant's basement?

20 A. Yes.

21 **MR. TRIPI:** We can get out of there, Ms. Champoux.  
22 Can we go to the next PDF I want to look at, it's  
23 labeled FTR-2117. Scroll down a little bit. Withdrawn.

24 Scroll back up to the top.  
25

11:32AM

1

**BY MR. TRIPI:**

11:32AM

2

Q. Did we see who ran this information from the document

11:32AM

3

here?

11:32AM

4

A. Yes. It says Joseph Bongiovanni.

11:33AM

5

Q. And what is this type of record?

11:33AM

6

A. Could you scroll down a little bit? It looks like

11:33AM

7

vehicle registration check.

11:33AM

8

Q. And so, who --

11:33AM

9

**MR. TRIPI:** Let's stop there.

11:33AM

10

**BY MR. TRIPI:**

11:33AM

11

Q. Who was Mr. Bongiovanni running a vehicle registration

11:33AM

12

check on?

11:33AM

13

A. So, it looks like he was trying to identify the

11:33AM

14

registered owner of a plate that's maybe off the top of the

11:33AM

15

screen.

11:33AM

16

Q. Look at "registered to" at the top of the page.

11:33AM

17

A. Yeah, but the plate that he ran was registered to Louis

11:33AM

18

Selva.

11:33AM

19

Q. Okay. That's the person who you understood to be his

11:33AM

20

best friend, correct?

11:33AM

21

A. Yes.

11:33AM

22

**MR. TRIPI:** Let's go back to the top of the page.

11:33AM

23

**BY MR. TRIPI:**

11:33AM

24

Q. When did he run this?

11:33AM

25

A. May 22nd, 2013.

11:34AM 1 **MR. TRIPI:** Okay. We can get out of that document.

11:34AM 2 Next, I'd like to go to PDF labeled SafetyNet, please.

11:34AM 3 SafetyNet submission.

11:34AM 4 **BY MR. TRIPI:**

11:34AM 5 Q. Now, this is a six-page scan, but have you since

11:34AM 6 ascertained that the first page doesn't relate to the other

11:34AM 7 pages in this particular PDF scan?

11:34AM 8 A. Yes.

11:34AM 9 **MR. TRIPI:** Okay. Let's go to the second page,

11:34AM 10 Ms. Champoux. Okay. Stop there.

11:34AM 11 **BY MR. TRIPI:**

11:34AM 12 Q. What -- what is this document?

11:34AM 13 A. It's a form to submit a name to SafetyNet that notifies

11:34AM 14 every user of SafetyNet that, in this case, DEA is

11:34AM 15 investigating.

11:34AM 16 Q. We'll get into the names in a minute, but it's a state

11:34AM 17 deconfliction database?

11:34AM 18 A. Yes.

11:34AM 19 Q. Is it maintained by New York State?

11:34AM 20 A. Yes.

11:35AM 21 Q. And what was the date of this fax submission?

11:35AM 22 A. January 4th.

11:35AM 23 **MR. TRIPI:** Okay. Let's scroll down.

11:35AM 24 **THE WITNESS:** According to the fax machine.

25

25 | Q. Did he leave the case blank on that particular



11:36AM 1 submission?

11:36AM 2 A. Can we scroll back to it?

11:36AM 3 **MR. TRIPI:** No. Stay there. Move up a little bit,  
11:36AM 4 Ms. Champoux.

11:36AM 5 All right. Scroll down a page, I apologize. I said  
11:36AM 6 up, I meant down.

11:36AM 7 **BY MR. TRIPI:**

11:36AM 8 Q. See the case number?

11:36AM 9 A. Yes. It's blank.

11:36AM 10 Q. Okay.

11:36AM 11 **MR. TRIPI:** Keep scrolling down the page.

11:36AM 12 **BY MR. TRIPI:**

11:36AM 13 Q. And who's -- who did he submit in this particular entry?

11:36AM 14 A. David Oddo.

11:36AM 15 **MR. TRIPI:** And let's go next to page 4.

11:36AM 16 **BY MR. TRIPI:**

11:36AM 17 Q. And again, is the agent Mr. Bongiovanni?

11:36AM 18 A. Yes.

11:36AM 19 **MR. TRIPI:** Can we scroll down to see who he  
11:36AM 20 submitted, please?

11:36AM 21 **BY MR. TRIPI:**

11:36AM 22 Q. Now, is that the wrong file number for C2-0026?

11:37AM 23 A. Yes.

11:37AM 24 Q. The actual case file was 13; is that right?

11:37AM 25 A. Yes.

1 Q. But Mr. Bongiovanni is the point of contact for this?

2 A. Yes.

3 Q. And who did he enter on this page?

4 A. Ronald Serio.

5 Q. And what address did he put into SafetyNet as being one  
6 he wanted to get notice of if someone was investigating the  
7 address?

8 A. 697 Lebrun in Buffalo.

9 Q. And that's the purpose of SafetyNet, right? If you have  
10 an investigative interest in the same person, property,  
11 location, or vehicle, it allows for agents to deconflict and  
12 communicate; is that right?

13 A. Yes.

14 Q. Now in C2-13-0026, did you see any surveillances or any  
15 investigative action that this defendant took at 697 Lebrun?

16 A. No.

17 Q. And do you know that to be Ron Serio's mansion?

18 A. Yes.

19 **MR. TRIPI:** Can we scroll down?

20 **BY MR. TRIPI:**

21 Q. Did -- on Mr. Serio, did he also put in a vehicle  
22 description?

23 A. Yes.

24 Q. And was that a 2007 Maserati?

25 A. Yes.

1 Q. Do you know of any investigative action that

2 Mr. Bongiovanni took that is documented in the file towards  
3 this Maserati?

4 A. I don't.

5 Q. How about towards Mr. Serio's Range Rover?

6 A. No, I don't.

7 Q. No?

8 A. No.

9 Q. Okay.

10 **MR. TRIPI:** We can exit out of that one,  
11 Ms. Champoux, thank you.

12 Can we scroll down more? All right. Can you click  
13 on Tripi O-C-D-E-T-F proposal?

14 **BY MR. TRIPI:**

15 Q. Again, all these documents were found in the defendant's  
16 basement; is that right?

17 A. Yes.

18 Q. Are you familiar with an OCDETF investigation initiation  
19 form?

20 A. Yes.

21 Q. Tell the jury, we've heard a little bit about it, but  
22 it's been a while. Tell the jury what that is.

23 A. So, it's a two-part form worksheet where you fill in  
24 targets, and there's a series of questions about what kind of  
25 activity the targets are engaged in, where they're engaged in

1 that activity geographically.

2 And then there's a second narrative portion where you  
3 write a narrative description of the organization that you're  
4 proposing to investigate.

5 Q. Are all these documents we've been looking at law  
6 enforcement sensitive?

7 A. Yes.

8 Q. Is an OCDETF, Drug Enforcement Task Force investigation  
9 initiation form, a particularly sensitive document?

10 A. Yes.

11 Q. Does it provide details of investigations that are larger  
12 in scope?

13 A. Yes.

14 **MR. TRIPI:** Scroll down this page.

15 **BY MR. TRIPI:**

16 Q. Does each -- now, do you see there's an OCDETF  
17 investigation number. Would a completed form, a complete  
18 form, have that full number filled in?

19 A. Yes.

20 Q. Does that indicate this is a draft?

21 A. Yes.

22 Q. The fact that it's empty?

23 A. Yes, it hasn't been reviewed by the regional board, so it  
24 doesn't have a number.

25 Q. And does every operation get a name?

11:40AM 1 A. Yes.

11:40AM 2 Q. And this particular draft form, what was the operation

11:40AM 3 name?

11:40AM 4 A. Past Due.

11:40AM 5 Q. Okay. Who was the case attorney?

11:40AM 6 A. Timothy Lynch.

11:40AM 7 Q. And as you understood it for a time, he was the chief of

11:40AM 8 narcotics at the U.S. Attorney's Office?

11:40AM 9 A. Yes.

11:40AM 10 Q. Does it have the case agents listed?

11:41AM 11 A. Yes.

11:41AM 12 Q. Excuse me?

11:41AM 13 A. Yes.

11:41AM 14 Q. Do you know Chris Clark?

11:41AM 15 A. I do.

11:41AM 16 Q. Is he a task force officer with the DEA?

11:41AM 17 A. Yes, a Niagara Falls detective.

11:41AM 18 Q. Okay. So, he's based out of Niagara Falls?

11:41AM 19 A. Yes.

11:41AM 20 Q. And then Dave Turri, is he an IRS agent?

11:41AM 21 A. Yes.

11:41AM 22 Q. And Jason Bernhard, is he an ATF agent?

11:41AM 23 A. I don't know Jason.

11:41AM 24 Q. He's listed as ATF though?

11:41AM 25 A. He is.

11:41AM 1 MR. TRIPI: Can we please scroll down?

11:41AM 2 BY MR. TRIPI:

11:41AM 3 Q. And in bold capital letters, what does it say at the  
11:41AM 4 bottom of that first page?

11:41AM 5 A. Law enforcement sensitive.

11:41AM 6 MR. TRIPI: Okay. Please scroll down. And stop  
11:41AM 7 there.

11:41AM 8 BY MR. TRIPI:

11:41AM 9 Q. At the very bottom of the page, can you read what it says  
11:41AM 10 there?

11:41AM 11 A. The attached information must be protected and not  
11:41AM 12 released to unauthorized individuals.

11:41AM 13 MR. TRIPI: Can we scroll down further?

11:41AM 14 BY MR. TRIPI:

11:41AM 15 Q. Again, now we're on page 2 of this particular PDF. The  
11:42AM 16 number for this proposal is not filled in, correct?

11:42AM 17 A. Correct.

11:42AM 18 MR. TRIPI: If we can scroll down further.

11:42AM 19 BY MR. TRIPI:

11:42AM 20 Q. Does this have an indication of the targets of Task Force  
11:42AM 21 Officer Clark's investigation?

11:42AM 22 A. Yes.

11:42AM 23 Q. And the number one person on the list, what's that  
11:42AM 24 person's name?

11:42AM 25 A. Frank Tripi.

1 Q. And who's the second person on the list?

2 A. Lawrence Panaro.

3 Q. And are there a number of other people, as well?

4 A. Yes, 11 total.

5 Q. Is this a document that's supposed to be kept in a secure  
6 space?

7 A. Yes.

8 Q. Is this a document that is supposed to leave the law  
9 enforcement agency's secure location?

10 A. We could transport it from one law enforcement agency to  
11 another, but you would have to maintain custody of it and  
12 then when you're done with it, it should be kept in a secured  
13 space.

14 Q. Sure. If you're bringing it to Tim Lynch to sign where  
15 he's supposed to sign on the document, you transport it,  
16 right?

17 A. That's what I'm describing, yes.

18 Q. And then you put it back in secure storage?

19 A. Yes.

20 Q. This is not a document you would take to your personal  
21 residence, correct?

22 **MR. MacKAY:** Objection.

23 **THE COURT:** Sorry?

24 **MR. MacKAY:** Objection.

25 **MR. TRIPI:** I'm asking him about --

11:43AM

1

**THE COURT:** Overruled.

11:43AM

2

**BY MR. TRIPI:**

11:43AM

3

Q. Is this a document you would take to your personal

11:43AM

4

residence?

11:43AM

5

A. No.

11:43AM

6

Q. Are there rules against removing it from secure space?

11:43AM

7

A. Yes. It's a record. And sensitive.

11:43AM

8

Q. Okay.

11:43AM

9

**MR. TRIPI:** Please scroll down, Ms. Champoux. Let's

11:43AM

10

go to page 3.

11:43AM

11

**BY MR. TRIPI:**

11:43AM

12

Q. Just generally, does page 3 tell you the different

11:43AM

13

agencies involved in the investigation?

11:43AM

14

A. Yes.

11:43AM

15

Q. And that's indicated by the Xs marked next to those

11:43AM

16

various agencies?

11:43AM

17

A. Yes.

11:43AM

18

Q. And, so, you mentioned earlier that Chris Clark is a

11:43AM

19

Niagara Falls police detective assigned to DEA as a task

11:44AM

20

force officer?

11:44AM

21

A. Yes.

11:44AM

22

Q. So, Niagara Falls police is checked on the box?

11:44AM

23

A. Yes.

11:44AM

24

**MR. TRIPI:** Scroll down. Let's go to the next page.

11:44AM

25

Stop there, actually. Sorry.



11:44AM

1

**BY MR. TRIPI:**

11:44AM

2

Q. And these boxes at the bottom relate to funding?

11:44AM

3

A. Yes.

11:44AM

4

Q. Is that part of what happens in an OCDETF case that opens

11:44AM

5

up additional funding?

11:44AM

6

A. Yes.

11:44AM

7

**MR. TRIPI:** Please scroll down. Stop there.

11:44AM

8

**BY MR. TRIPI:**

11:44AM

9

Q. Does this portion of the form indicate the different

11:44AM

10

districts, states, and countries that investigators believe

11:44AM

11

the criminal activity is linked to?

11:44AM

12

A. Yes.

11:44AM

13

Q. And on this form, what country is linked?

11:44AM

14

A. Canada.

11:44AM

15

Q. Now, in your case, when you were initially proffering

11:45AM

16

Mr. Serio, his supplier, Jarrett Guy, was based out of

11:45AM

17

Canada; is that right?

11:45AM

18

A. Yes.

11:45AM

19

Q. You're also familiar with California being a place that

11:45AM

20

had legalized marijuana much earlier than New York State; is

11:45AM

21

that right?

11:45AM

22

A. Yes.

11:45AM

23

Q. Did a lot of cases over the years, once California

11:45AM

24

legalized, did a lot of people get involved transporting

11:45AM

25

cross country large marijuana loads?

11:45AM 1 A. Yes.

11:45AM 2 Q. From places like California?

11:45AM 3 A. California. And then Oregon once Oregon legalized.

11:45AM 4 Q. Okay. And we also have an indication of Nevada here?

11:45AM 5 A. Yes.

11:45AM 6 **MR. TRIPI:** If we can go down further.

11:45AM 7 **BY MR. TRIPI:**

11:45AM 8 Q. Here the Task Force Officer Clark indicated the different  
11:45AM 9 types of drugs he believed would be involved in this case; is  
11:45AM 10 that right?

11:46AM 11 A. Yes.

11:46AM 12 Q. And what are drugs he checked?

11:46AM 13 A. Cocaine, heroin, marijuana.

11:46AM 14 Q. And did he indicate he believed there would be money  
11:46AM 15 laundering involved in the case?

11:46AM 16 A. Yes.

11:46AM 17 Q. And what did he check for that?

11:46AM 18 A. Bulk cash movement by air. Oh.

11:46AM 19 **MR. TRIPI:** You can keep on scrolling down.

11:46AM 20 **BY MR. TRIPI:**

11:46AM 21 Q. And take a look, he checked several boxes of potential  
11:46AM 22 money laundering, correct?

11:46AM 23 A. He did. Also, wire transfer, business fronts, casinos,  
11:46AM 24 and property investments.

11:46AM 25 **MR. TRIPI:** Okay scrolling down.

11:46AM

1

**BY MR. TRIPI:**

11:46AM

2

Q. And then, we're at page 5 now. It describes different

11:46AM

3

types of law enforcement techniques that may be utilized?

11:46AM

4

A. Yes.

11:46AM

5

Q. And is that something that can evolve over time?

11:46AM

6

A. Yes.

11:47AM

7

**MR. TRIPI:** Keep scrolling down. Go to the next

11:47AM

8

page. Let's go to page 6.

11:47AM

9

**BY MR. TRIPI:**

11:47AM

10

Q. And just for the record, on every page, does it say law

11:47AM

11

enforcement sensitive?

11:47AM

12

A. Yes, I think top and bottom.

11:47AM

13

**MR. TRIPI:** Keep scrolling down.

11:47AM

14

**BY MR. TRIPI:**

11:47AM

15

Q. Now we're going past page 7, here's the signature lines,

11:47AM

16

we see that nobody signed off on it yet; is that right?

11:47AM

17

A. Correct.

11:47AM

18

Q. Is that a further indication this is a draft?

11:47AM

19

A. Yes.

11:47AM

20

**MR. TRIPI:** Keep scrolling down.

11:47AM

21

**BY MR. TRIPI:**

11:47AM

22

Q. Now we're at page 8. Does this give a narrative that the

11:47AM

23

case agent writes, in this particular matter Task Force

11:47AM

24

Officer Clark, about the background of his investigation and

11:47AM

25

the predication for making it an OCDETF case?

11:47AM 1 A. Yes.

11:47AM 2 Q. And does this provide highly specific information about  
11:48AM 3 what his investigation entails?

11:48AM 4 A. Yes.

11:48AM 5 **MR. TRIPI:** Lets scroll down a little bit,  
11:48AM 6 Ms. Champoux. Stop there.

11:48AM 7 Publishing it for the jury. Just give me a moment,  
11:48AM 8 Your Honor.

11:48AM 9 **BY MR. TRIPI:**

11:48AM 10 Q. I'm not going to have you read it, I'm going to have the  
11:48AM 11 jury take a look at it.

11:48AM 12 **MR. TRIPI:** Ms. Champoux, can we bring the page down  
11:48AM 13 a little bit? Lets look at paragraphs C and D now. We're  
11:49AM 14 still on page 8 for record purposes of the Tripi OCDEF  
11:49AM 15 proposal PDF.

11:49AM 16 **BY MR. TRIPI:**

11:49AM 17 Q. We looked at Peter Gerace's phone contacts yesterday, was  
11:49AM 18 there a contact for Frank Tripi in there?

11:49AM 19 A. Yes.

11:49AM 20 Q. Okay.

11:50AM 21 **MR. TRIPI:** Let's scroll to the next page, page 9,  
11:49AM 22 now, Ms. Champoux.

11:50AM 23 Bring it down a little bit further, Ms. Champoux, so  
11:50AM 24 all of paragraph G is able to be read. Thank you.

11:50AM 25 Let's scroll down a little bit further, Ms. Champoux.

1 We'll expose the rest of the page. Let's go down to page 10.

2 **BY MR. TRIPI:**

3 Q. They saw two names -- while they're reading that, they  
4 saw two names on the list of targets; is that right? The  
5 first two names were Frank Tripi and Lawrence Panaro?

6 A. Yes.

7 Q. As far as the law enforcement that you -- the community  
8 that you are a part of, were those -- those two names  
9 believed to be associated in some way with Italian Organized  
10 Crime, as far as you were concerned?

11 A. Yes.

12 **MR. TRIPI:** Scroll down a little bit further,  
13 Ms. Champoux.

14 We can go to the next page, page 11. Stop there.  
15 All right. Let's go all the way down to the bottom.

16 **BY MR. TRIPI:**

17 Q. All right. Was that a highly sensitive law enforcement  
18 document that provided information of a sensitive nature  
19 regarding targets that were operating -- believed to be  
20 operating in multiple states and internationally?

21 A. Yes.

22 Q. Should a document like that ever be removed from secure  
23 space?

24 A. No.

25 **MR. TRIPI:** One moment please, Your Honor.

1 I don't have any further direct examination,  
2 Your Honor.

3 **THE COURT:** Mr. MacKay, what's your thought?

4 **MR. MacKAY:** I'm sorry?

5 **THE COURT:** What's your thought? Would you like to  
6 break for lunch now and then come back at 1:30 and take the  
7 witness out of order, then?

8 **MR. MacKAY:** Yeah, why don't we do that, Judge. That  
9 makes it a little bit smoother.

10 **THE COURT:** Okay. So, we will -- we will break for  
11 lunch now folks. When we come back -- we'll break for an hour  
12 and a half, when we come back at 1:30, we'll probably take  
13 another witness out of order. We're trying to streamline  
14 things for you folks so that we don't have large gaps in the  
15 testimony. So, we're going to take a witness out of order,  
16 and then come back for this witness's cross-examination.

17 So while you're gone, please remember, follow my  
18 instructions about not communicating about the case, not using  
19 tools of technology to research the case, or to communicate  
20 about the case, and not read, or watch, or listen to any news  
21 coverage, if there is any, while the trial is in progress.  
22 And please don't make up your mind until the case has been  
23 submitted to you for deliberations.

24 We'll see you back here at 1:30. Thanks.

25 (Jury excused at 11:54 a.m.)

11:55AM 1 **THE COURT:** Okay. Anything we need to do?

11:55AM 2 **MR. TRIPI:** Just one thing, I'd like to make a record  
11:55AM 3 of before we get into cross. As you know, Judge, we ended  
11:55AM 4 with sort of the Frank Tripi OCDETF proposal. I had the FBI  
11:55AM 5 interview Frank Tripi twice. They generated reports. I've  
11:55AM 6 provided those reports to the defense.

11:55AM 7 Obviously, I'm paraphrasing. Big takeaway is  
11:55AM 8 essentially he did not confirm that Mr. Bongiovanni provided  
11:55AM 9 him any information. Again, paraphrasing. They have the  
11:55AM 10 information, they can call him if they want, but I want to  
11:55AM 11 make a clear record that I provided those reports.

11:55AM 12 **MR. MacKAY:** We got them, Judge. We're aware.

11:55AM 13 **THE COURT:** Okay. Great. Anything from you before  
11:55AM 14 we break?

11:55AM 15 **MR. MacKAY:** No, Your Honor.

11:55AM 16 **THE COURT:** Okay. We'll see you folks at 1:30.

11:55AM 17 **MR. MacKAY:** Thank you for letting us break this up.

11:55AM 18 **THE COURT:** No, no, no, I think it makes sense to do  
11:55AM 19 that.

11:56AM 20 (Off the record at 11:56 a.m.)

02:57PM 21 (Witness taken out of order from 1:33 to 2:57 p.m.)

02:57PM 22 **THE COURT:** Let's begin the cross of Mr. Ryan.

02:57PM 23 **MR. COOPER:** And I appreciate the indulgence with  
02:57PM 24 the --

02:57PM 25 **THE COURT:** Oh, that's fine.

02:58PM 1 **C U R T I S R Y A N**, having been previously duly called and  
02:58PM 2 sworn, continued to testify as follows:

02:58PM 3 **THE COURT:** I remind the witness he's still under  
02:58PM 4 oath.

02:58PM 5 And, Mr. MacKay, you may begin.

02:58PM 6 **MR. MacKAY:** Thank you, Judge.

02:58PM 7 Just for planning purposes did the Court intend to  
02:58PM 8 take another afternoon break? Or --

02:58PM 9 **THE COURT:** Yeah, I think it's probably a good idea  
02:58PM 10 to take one more break since we've been at it for a little bit  
02:58PM 11 and we have a long way to go this afternoon. Wherever is a  
02:58PM 12 convenient spot to stop.

02:58PM 13 **MR. MacKAY:** Okay. Flag me when it's good. Let me  
02:58PM 14 get set up here.

02:58PM 15  
02:58PM 16 **CROSS-EXAMINATION BY MR. MacKAY:**

02:58PM 17 Q. Welcome back, Agent Ryan. I will try to get you done so  
02:58PM 18 you can get back to the crossroads of America tonight.

02:58PM 19 A. Thank you.

02:58PM 20 Q. So, let's start with the search at 85 Alder Place.

02:58PM 21 That's Mr. Bongiovanni's residence, correct?

02:58PM 22 A. Yes.

02:58PM 23 Q. Okay. That's executed about 6:02 in the morning,  
02:58PM 24 correct?

02:59PM 25 A. Yes.



1 Q. Battering rams used to break down the door, correct?

2 A. I think so, but I was down the street.

3 **MR. MacKAY:** Okay. Can we show, Ms. Champoux,

4 Government Exhibit 103-1.

5 **BY MR. MacKAY:**

6 Q. Okay. That's the door as it looked that day of the raid

7 of the search warrant execution.

8 A. Are you talking about the mark next to the handle?

9 Q. Yes.

10 A. Yes.

11 Q. That's consistent with using a battering ram, correct?

12 A. Yes.

13 **MR. MacKAY:** You can take that down, Ms. Champoux,

14 thank you.

15 **BY MR. MacKAY:**

16 Q. All right. To your recollection, a flash-bang device is

17 used outside the residence to distract?

18 A. I heard one, yes.

19 Q. Okay. I mean, you said you heard one, and you were down

20 the street, correct?

21 A. I was a distance away, yes.

22 Q. I mean, just so the jury understands, they're pretty

23 loud, correct?

24 A. Yes.

25 Q. All right. And to your knowledge, Mr. Bongiovanni's

03:00PM 1 handcuffed when he's encountered immediately inside, correct?

03:00PM 2 A. Yes.

03:00PM 3 Q. Because by the time you encounter him, he's still in

03:00PM 4 handcuffs, correct?

03:00PM 5 A. Yes.

03:00PM 6 Q. And do you recall him, you first encounter him, was he

03:00PM 7 outside the residence at that point in time?

03:00PM 8 A. No, inside.

03:00PM 9 Q. Do you recall if he was brought outside and then brought

03:00PM 10 back in?

03:00PM 11 A. My recollection is that he was inside.

03:00PM 12 Q. So your first encounter with him, he's back inside,

03:00PM 13 correct?

03:00PM 14 A. Yes.

03:00PM 15 Q. Do you recall him wearing, like, boxers and a T-shirt at

03:00PM 16 the time?

03:00PM 17 A. No, I recall basketball shorts. Like, mesh shorts almost

03:00PM 18 knee length and a t-shirt.

03:00PM 19 Q. A little bit more formal, but still, you know, what he

03:00PM 20 might have slept in, for example?

03:00PM 21 A. He may have, but when you say boxer shorts, I'm thinking

03:00PM 22 underwear. These were not.

03:00PM 23 Q. So was I, but we've got the picture.

03:00PM 24 A. Okay.

03:00PM 25 Q. So while that's happening, the entry team is securing the

1 rest of the premises, correct?

2 A. No, that's done before I get close to the house.

3 Q. Okay. I don't want to get the timeline mixed up. Once

4 the entry team enters, they secure Mr. Bongiovanni, correct?

5 A. Yes.

6 Q. And then the procedure is they then clear and secure the

7 house, correct?

8 A. Yes.

9 Q. And then that had all occurred, and then you encounter

10 Mr. Bongiovanni, correct?

11 A. Yes.

12 Q. And over your years of experience, you've been part of a

13 number of these search warrant executions, correct?

14 A. Yes.

15 Q. Now, just as background, sometimes when these are

16 occurring, it's just a search warrant, correct?

17 A. Yes.

18 Q. Meaning, the intention is just to go to a location and

19 look for evidence, correct?

20 A. Yes.

21 Q. Other times, there can be an arrest warranted coupled

22 with that?

23 A. Yes, sir.

24 Q. Which means not only might they be searching for

25 evidence, but somebody's going to be arrested that day,

03:01PM 1 correct?

03:01PM 2 A. Yes.

03:01PM 3 Q. Okay. Now, again, in your experience, you've done both,  
03:02PM 4 search warrant execution and an arrest execution, correct?

03:02PM 5 A. Yes.

03:02PM 6 Q. And you told the jury when you encountered

03:02PM 7 Mr. Bongiovanni, he asked a couple times whether this was a  
03:02PM 8 search warrant or an arrest warrant, correct?

03:02PM 9 A. He did.

03:02PM 10 Q. In your experience, in executing search and arrest  
03:02PM 11 warrants, fair to say it's fairly common for people to ask,  
03:02PM 12 you know, if it's clear they're being placed under arrest  
03:02PM 13 about things like posting bail and stuff?

03:02PM 14 A. Sometimes.

03:02PM 15 Q. Right. I mean, sometimes people will ask, like, you know  
03:02PM 16 can I have an opportunity to secure my residence; fair to  
03:02PM 17 say?

03:02PM 18 A. I -- I guess. In what sense though? Secure it from  
03:02PM 19 what?

03:02PM 20 Q. Well, if they know they're not coming back that day,  
03:02PM 21 correct?

03:02PM 22 A. I mean, it's our responsibility to secure the residence  
03:02PM 23 after a search warrant, so that's not consistent with my  
03:02PM 24 experience.

03:02PM 25 Q. Yeah, I mean, but have you heard people sometimes when

03:02PM 1 they're in the process of being arrested express concerns  
03:03PM 2 about, like, please contact somebody, or something like that,  
03:03PM 3 correct?

03:03PM 4 A. Yes. I mean, generally, the questions are about what's  
03:03PM 5 happening and what's gonna happen next.

03:03PM 6 Q. Right. So in it's your experience that we've seen people  
03:03PM 7 in these situations they tend to be a bit flustered, correct?

03:03PM 8 A. Sometimes.

03:03PM 9 Q. And they're asking what's happening currently?

03:03PM 10 A. Yes, sir.

03:03PM 11 Q. And then they're asking what's happening next, right?

03:03PM 12 A. Yes.

03:03PM 13 Q. Now, and all this will was done, and you had known that  
03:03PM 14 previously in March of that year, about three months earlier,  
03:03PM 15 Mr. Bongiovanni had voluntarily come in to the U.S.

03:03PM 16 Attorney's Office to sit down and talk with OIG inspectors,  
03:03PM 17 correct?

03:03PM 18 A. Yes.

03:03PM 19 Q. Right. So, you know, this -- back in March, there wasn't  
03:03PM 20 any sort of search warrant execution or anything that took  
03:03PM 21 place at his house, right?

03:03PM 22 A. Yes, that's correct.

03:03PM 23 Q. That was -- the March interview you did not attend,  
03:03PM 24 correct?

03:03PM 25 A. I did not.

03:03PM 1 Q. But to your knowledge, that, you know, Mr. Bongiovanni  
03:04PM 2 was contacted and voluntarily appeared at a location to give  
03:04PM 3 an interview, correct?

03:04PM 4 A. Yes.

03:04PM 5 Q. Okay. Okay. So after your initial account, initial  
03:04PM 6 encounter, ultimately, you sit down with Mr. Bongiovanni at a  
03:04PM 7 dining room table, correct?

03:04PM 8 A. Correct.

03:04PM 9 Q. It's you and it's two other agents, correct?

03:04PM 10 A. Yes.

03:04PM 11 Q. It was you, it was Special Agent Carpenter, and Special  
03:04PM 12 Agent Fusco, correct?

03:04PM 13 A. That's correct.

03:04PM 14 Q. And you drew the diagram of where everybody was seated,  
03:04PM 15 but this is occurring at his dining room table, correct?

03:04PM 16 A. Yes.

03:04PM 17 Q. And was it when you sat him down, or was it before that  
03:04PM 18 you had told him, you know, I'll take the cuffs off if you,  
03:04PM 19 quote, unquote, behave?

03:04PM 20 A. The phrase I always use is are you going to be a  
03:05PM 21 gentleman? So that's what I said. And it's as we're sitting  
03:05PM 22 down --

03:05PM 23 Q. Okay.

03:05PM 24 A. -- or within a minute of when we first sat down.

03:05PM 25 Q. Okay. And so you ask him that. He tells you I'm going

03:05PM 1 to be a gentleman?

03:05PM 2 A. Yes. It's a way to gauge if somebody's amped up to the  
03:05PM 3 point that I shouldn't take the cuffs off, and then also I  
03:05PM 4 want to hear the answer as part of the assessment.

03:05PM 5 But he said that he would, and so I took his cuffs off.

03:05PM 6 Q. Right. That was my question. He did that, and then you  
03:05PM 7 started to chat with him at the dining room table, correct?

03:05PM 8 A. Yes.

03:05PM 9 Q. Now at the same time the house is being searched by other  
03:05PM 10 agents, correct?

03:05PM 11 A. For evidence, yes.

03:05PM 12 Q. Right. So initially they do sort of a cursory search to  
03:05PM 13 clear the house. At that point in time, though, while you're  
03:05PM 14 talking to Mr. Bongiovanni, the more intensive sort of  
03:05PM 15 evidence search is occurring, correct?

03:06PM 16 A. Yes.

03:06PM 17 Q. I think you showed on one of the pictures there's a big  
03:06PM 18 black box near the kitchen island; do you remember that  
03:06PM 19 picture?

03:06PM 20 A. Yes.

03:06PM 21 Q. So there's boxes like that that are being set up in the  
03:06PM 22 residence, correct?

03:06PM 23 A. Just that one, but yes.

03:06PM 24 Q. Okay. And the rooms in the house are being designated by  
03:06PM 25 different search -- I don't want to call them teams, but

03:06PM 1 people are sort of pairing off and searching various rooms in  
03:06PM 2 the house, correct?  
03:06PM 3 A. Yes.  
03:06PM 4 Q. Okay. And that's all, you know, while Mr. Bongiovanni is  
03:06PM 5 talking to you, correct?  
03:06PM 6 A. Yes.  
03:06PM 7 Q. And at the same time, his wife is present, correct?  
03:06PM 8 A. She is.  
03:06PM 9 Q. And his stepson is present, correct?  
03:06PM 10 A. Initially, and then he went to school.  
03:06PM 11 Q. But he, to your knowledge, the stepson was there when the  
03:06PM 12 search warrant was first executed, correct?  
03:06PM 13 A. He was, because he was still there when I got to the  
03:06PM 14 house.  
03:06PM 15 Q. Okay. Now, you conduct an interview with Mr. Bongiovanni  
03:06PM 16 at his dining room table, correct?  
03:07PM 17 A. Yes.  
03:07PM 18 Q. You had a Smartphone with you at the time?  
03:07PM 19 A. I did.  
03:07PM 20 Q. You didn't record the interview in any fashion with the  
03:07PM 21 Smartphone, correct?  
03:07PM 22 A. I did not.  
03:07PM 23 Q. And to your knowledge, though, this would have been the  
03:07PM 24 second interview conducted directly with Mr. Bongiovanni in  
03:07PM 25 the course of your investigation, correct?



03:07PM 1 A. Yes.

03:07PM 2 Q. The first one being the one in March, and now you're

03:07PM 3 getting to this one at his house?

03:07PM 4 A. Yes.

03:07PM 5 Q. It involves multiple federal agencies, correct?

03:07PM 6 A. Yes.

03:07PM 7 Q. Involved potential allegations of corruption, correct?

03:07PM 8 A. Yes.

03:07PM 9 Q. And you had previously reviewed some evidence related to

03:07PM 10 the Michael Sinatra burglary in Tonawanda, correct?

03:07PM 11 A. Yes.

03:07PM 12 Q. And you were aware that in that investigation, Michael

03:07PM 13 Sinatra was video and audio recorded interviewed, correct?

03:07PM 14 A. I don't know if that's accurate, no. I remember

03:07PM 15 reviewing the police reports.

03:08PM 16 Q. Okay. So you don't know -- you don't know whether he was

03:08PM 17 video and audio recorded when he was interviewed?

03:08PM 18 A. I don't.

03:08PM 19 Q. Okay. But when you did this interview, you walked into

03:08PM 20 it with specific topics you wanted to talk to Mr. Bongiovanni

03:08PM 21 about, correct?

03:08PM 22 A. Yes.

03:08PM 23 Q. I think you told the jury on direct, you were still in

03:08PM 24 the process of investigating, correct?

03:08PM 25 A. Yes.

03:08PM 1 Q. And obviously Mr. Bongiovanni's answers or non answers or  
03:08PM 2 however he reacts to this interview are going to be important  
03:08PM 3 for you in how you direct your investigation, correct?  
03:08PM 4 A. Yes.  
03:08PM 5 Q. Okay. Now, you've interviewed, fair to say, a lot of  
03:08PM 6 people in your career?  
03:08PM 7 A. Probably many hundreds, yes.  
03:08PM 8 Q. Yeah. I was gonna ask a number. Hundreds?  
03:08PM 9 A. Yes.  
03:08PM 10 Q. You've interviewed both witnesses and subjects of  
03:08PM 11 investigation, correct?  
03:08PM 12 A. Yes.  
03:08PM 13 Q. Fair to say that when interviewing witnesses or subjects,  
03:09PM 14 body language can be important?  
03:09PM 15 A. Yes.  
03:09PM 16 Q. Tone of voice can be important, correct?  
03:09PM 17 A. Yes.  
03:09PM 18 Q. Facial expressions can be important?  
03:09PM 19 A. Yes.  
03:09PM 20 Q. Because all of these help you as an interviewer to  
03:09PM 21 determine what the words the person is actually saying might  
03:09PM 22 mean, correct?  
03:09PM 23 A. Yes.  
03:09PM 24 Q. Okay. It can help you to assess whether the individual  
03:09PM 25 you're interviewing is potentially confused by a question,

03:09PM 1 correct?

03:09PM 2 A. It could.

03:09PM 3 Q. You did record the interview in some fashion with

03:09PM 4 handwritten notes, correct?

03:09PM 5 A. Yes.

03:09PM 6 Q. Now, remind us again. Were you the primary questioner of

03:09PM 7 Mr. Bongiovanni during this interview?

03:09PM 8 A. I was.

03:09PM 9 Q. Okay. So you're both questioning him, and you're writing

03:09PM 10 notes, correct?

03:09PM 11 A. Yes.

03:09PM 12 Q. So fair to say your attention is sort of split between

03:10PM 13 doing both, correct?

03:10PM 14 A. Yes.

03:10PM 15 Q. Okay. And then ultimately you reduce those notes to a

03:10PM 16 typewritten report, correct?

03:10PM 17 A. Yes, a few days later.

03:10PM 18 Q. Right. So you get the handwritten notes, make

03:10PM 19 typewritten report a few days later, correct?

03:10PM 20 A. Yes.

03:10PM 21 Q. And then that's what you -- you reviewed that typewritten

03:10PM 22 report in preparation for testimony today, correct?

03:10PM 23 A. Yes.

03:10PM 24 Q. And that's now, you know, about five years later,

03:10PM 25 correct?

03:10PM 1 A. Yes.

03:10PM 2 Q. Okay. So let's talk about some things Mr. Bongiovanni  
03:10PM 3 says during the interview.

03:10PM 4 You asked him a little bit about Peter Gerace, correct?

03:10PM 5 A. I did.

03:10PM 6 Q. That subject comes up in the interview, correct?

03:10PM 7 A. His relationship with Peter Gerace was the first thing  
03:10PM 8 that came up, yes.

03:10PM 9 Q. Okay. And I think your testimony was he wouldn't  
03:10PM 10 characterize his relationship --

03:10PM 11 **MR. TRIPI:** Objection.

03:10PM 12 **MR. MacKAY:** Did he -- I'll withdraw.

03:10PM 13 **THE COURT:** Okay, withdrawn.

03:10PM 14 **BY MR. MacKAY:**

03:10PM 15 Q. He used the -- did -- he said something to the effect  
03:11PM 16 of --

03:11PM 17 **MR. TRIPI:** Objection.

03:11PM 18 **THE COURT:** What's the objection?

03:11PM 19 **MR. TRIPI:** Hearsay. He's asking what his client  
03:11PM 20 said and rephrasing it in his words, it's hearsay. He's not  
03:11PM 21 the party opponent.

03:11PM 22 **MR. MacKAY:** He said on direct.

03:11PM 23 **MR. TRIPI:** Can we approach?

03:11PM 24 **THE COURT:** Yeah, come up.

03:11PM 25 (Sidebar discussion held on the record.)

03:11PM 1           **THE COURT:** This is cross-examination based on what  
03:11PM 2 you got him to say on direct.

03:11PM 3           **MR. TRIPI:** Yeah, there's nuance to it though,  
03:11PM 4 Your Honor. If he's asking a question about what this witness  
03:11PM 5 said on direct, that's going to be fine.

03:11PM 6           But I thought I heard the rephrasing of his question  
03:11PM 7 was, he's saying what Mr. Bongiovanni said during the  
03:11PM 8 interview.

03:11PM 9           And counsel is not permitted under the rules of  
03:11PM 10 hearsay to restate what their client said in the form of a  
03:11PM 11 question in the format they so choose to drive at a yes.  
03:11PM 12 That's hearsay.

03:11PM 13           **THE COURT:** You can cross-examine on that.

03:11PM 14           **MR. TRIPI:** Judge, that's hearsay. They're not the  
03:12PM 15 party opponent.

03:12PM 16           **THE COURT:** I understand that. This is  
03:12PM 17 cross-examination.

03:12PM 18           **MR. TRIPI:** But they don't get to restate it, and  
03:12PM 19 then get to ask for yes or no.

03:12PM 20           **THE COURT:** He can say to him you testified on direct  
03:12PM 21 that Mr. Bongiovanni said I stole this document from my --  
03:12PM 22 isn't it true that he didn't say that to you? That he said  
03:12PM 23 something else you. He can't do that?

03:12PM 24           **MR. TRIPI:** That's not what's happening though.

03:12PM 25           **MR. MacKAY:** I'm just asking --

03:12PM 1 **MR. TRIPI:** That's not what's happening. I would  
03:12PM 2 agree with you there, Judge. I don't think that that's what  
03:12PM 3 just happened.

03:12PM 4 **MR. MacKAY:** I'm just asking, he characterized it as  
03:12PM 5 not a close relationship, which I think is actually what he  
03:12PM 6 reported that Mr. Bongiovanni said to him on direct.

03:12PM 7 **THE COURT:** Right. Yeah. I'm going to allow this.

03:12PM 8 **MR. TRIPI:** Judge --

03:12PM 9 **THE COURT:** I'm going to allow this.

03:12PM 10 **MR. TRIPI:** Okay. Just in general terms --

03:12PM 11 **THE COURT:** Make your record.

03:12PM 12 **MR. TRIPI:** In general terms, I don't want to make a  
03:12PM 13 record necessarily, but in general terms, Judge, they can't  
03:12PM 14 elicit their client's own statements --

03:12PM 15 **THE COURT:** I agree --

03:12PM 16 **MR. TRIPI:** -- and rephrase --

03:12PM 17 **THE COURT:** -- 100 percent.

03:12PM 18 **MR. TRIPI:** -- it. So that's where I'm at.

03:12PM 19 **THE COURT:** I agree --

03:12PM 20 **MR. TRIPI:** That's all.

03:12PM 21 **THE COURT:** -- with you 100 percent on that. I don't  
03:12PM 22 think there's any question about that. I think that it's not  
03:12PM 23 hearsay when the party opponent introduces it. It's hearsay  
03:12PM 24 when the party himself or herself introduces it. I understand  
03:13PM 25 that very well.

03:13PM 1 This is cross-examination about what you elicited on  
03:13PM 2 direct that his client said to the witness. And there's no  
03:13PM 3 doubt in my mind that it is appropriate to probe the witness  
03:13PM 4 on those statements you made to him.

03:13PM 5 **MR. TRIPI:** My only -- my only point to that, Judge,  
03:13PM 6 I don't have any issue with that, but if they're restating  
03:13PM 7 words in a way that's more favorable to their client in  
03:13PM 8 driving at a yes, that's gonna be a hearsay objection.

03:13PM 9 **THE COURT:** That's cross-examination.

03:13PM 10 (End of sidebar discussion.)

03:13PM 11 **BY MR. MacKAY:**

03:13PM 12 Q. Okay. So Mr. Bongiovanni attempted to characterize his  
03:13PM 13 relationship with Peter Gerace, correct?

03:13PM 14 A. He did.

03:13PM 15 Q. And he said it was not a close relationship, correct?

03:14PM 16 A. Correct, that's what he said.

03:14PM 17 Q. That was a term he used, correct?

03:14PM 18 A. Yes.

03:14PM 19 Q. The phrase "close relationship" were the words that came  
03:14PM 20 out of his mouth as you recall it, correct?

03:14PM 21 A. It first came out of my mouth in the form of a question,  
03:14PM 22 and then he responded to that.

03:14PM 23 Q. Okay. So, walk through. What did you ask? What was the  
03:14PM 24 question you asked?

03:14PM 25 A. Talk about the relationship. Is it a close relationship?

03:14PM 1 Q. And his answer was?

03:14PM 2 A. That it was not.

03:14PM 3 Q. Okay. So, the sum and substance you took from that is

03:14PM 4 Mr. Bongiovanni's telling you it's not a close relationship,

03:14PM 5 correct?

03:14PM 6 A. Correct.

03:14PM 7 Q. Okay. As you sit here, you don't know what he meant by

03:14PM 8 the phrase "close relationship," correct?

03:14PM 9 A. I don't think that's accurate, because we asked some

03:14PM 10 follow-up questions about communication and --

03:14PM 11 Q. Well --

03:14PM 12 A. -- additional questions about the relationship.

03:14PM 13 Q. Sure. But you asked questions to understand what in fact

03:14PM 14 the relationship was between Mr. Gerace and Mr. Bongiovanni,

03:14PM 15 correct?

03:15PM 16 A. Yes.

03:15PM 17 Q. But as you sit here today, when Mr. Bongiovanni responded

03:15PM 18 to your question about whether it was a close relationship,

03:15PM 19 you don't know how he defines that term in his mind, correct?

03:15PM 20 A. I did not ask him to define that term, no.

03:15PM 21 Q. Right. That's what I'm getting at.

03:15PM 22 There wasn't a series of questions to define generally

03:15PM 23 what Mr. Bongiovanni thought close relationship was, correct?

03:15PM 24 A. No, again, I have to disagree with that a little bit,

03:15PM 25 because I think the one-way relationship comment doesn't come



1 out if we're not talking about what that means.

2 Q. Okay. So, beyond that though, Mr. Bongiovanni expressed  
3 annoyance about Peter, correct?

4 A. He did.

5 Q. Okay. And then I think you just said it, but the other  
6 phrase that came up was that the relationship was one sided?

7 A. Yes.

8 Q. Okay. That was his description of what the relationship  
9 was, correct?

10 A. Yes.

11 Q. And then fair to say you probed that explanation a little  
12 bit more with questions about contact between Mr. Gerace and  
13 Mr. Bongiovanni, correct?

14 A. Yes.

15 Q. And one of the questions you asked Mr. Bongiovanni was  
16 when he had last spoken to Peter Gerace, correct?

17 A. Yes.

18 Q. And you get the answer over a year ago, correct?

19 A. Yes.

20 Q. So Mr. Gerace's number, as you recall, it is  
21 716-725-1931, correct?

22 A. Yes.

23 Q. And in connection with this investigation, you reviewed  
24 phone records, correct?

25 A. I did.

03:16PM 1 Q. You reviewed both Mr. Bongiovanni's phone records,  
03:16PM 2 correct?

03:16PM 3 A. In part, yes.

03:16PM 4 Q. And Mr. Gerace's phone records, correct?

03:16PM 5 A. In part, yes.

03:16PM 6 Q. Okay. Any reason to disagree with me that the last time  
03:16PM 7 Mr. Bongiovanni and Mr. Gerace, that there's a phone call  
03:16PM 8 reflected between them, is November 12th of 2017?

03:16PM 9 A. Without looking at the records, I don't know.

03:17PM 10 **MR. MacKAY:** Okay. Ms. Champoux, can we pull up  
03:17PM 11 what's in evidence as Government Exhibit 358.

03:17PM 12 Okay. So we're -- just so the record's clear, we're  
03:17PM 13 in a folder for Government Exhibit 358, can we go to the file  
03:17PM 14 that begins with the PDF.

03:17PM 15 **THE COURT:** This is all in evidence.

03:17PM 16 **MR. MacKAY:** Yes.

03:17PM 17 **MR. TRIPI:** Yes.

03:17PM 18 **MR. MacKAY:** 19013167bills.pdf.

03:17PM 19 Okay. And can we control F, let's do 725-1931. All  
03:18PM 20 right. We're not going to go through 560, I'm sorry, 55.

03:18PM 21 Can we go to page 505 in this record?

03:18PM 22 **BY MR. MacKAY:**

03:18PM 23 Q. Okay. Do you see that that's reflected, it's  
03:18PM 24 November 11th, I'm sorry, November 12th. Do you see  
03:18PM 25 Mr. Gerace's number there?

03:18PM 1 A. Yes.

03:18PM 2 Q. And just so the jury's clear, we're looking at

03:18PM 3 Mr. Bongiovanni's phone records, correct?

03:18PM 4 A. Yes, his DEA phone.

03:18PM 5 Q. Okay. And can you see up at the top the bill says due

03:18PM 6 date, 12/18/2017?

03:18PM 7 A. Yes.

03:18PM 8 Q. So, fair to say these calls here occur in November of

03:18PM 9 2017, correct?

03:18PM 10 A. Yes.

03:18PM 11 Q. From what you can see in the records, correct?

03:18PM 12 A. From this page of this phone record, yes.

03:18PM 13 Q. Yes. Okay.

03:19PM 14 **MR. MacKAY:** Okay. Can we close that out,

03:19PM 15 Ms. Champoux. And can we open Government Exhibit 359.

03:19PM 16 It's also in evidence.

03:19PM 17 It's going to be a folder. Can we go to the one

03:19PM 18 that's -- that ends in underscore 2016 underscore 2018.pdf.

03:19PM 19 Can we go to page 990 here.

03:19PM 20 And can we scroll down a little bit further. A

03:19PM 21 little bit further, please.

03:19PM 22 **BY MR. MacKAY:**

03:19PM 23 Q. And can you see where I've highlighted, that's

03:20PM 24 Mr. Bongiovanni's number at the bottom there, correct?

03:20PM 25 A. Yes.

03:20PM 1 Q. 818-0966, correct?

03:20PM 2 A. Yes.

03:20PM 3 Q. That's that same date, November 12th, 2017, correct?

03:20PM 4 A. Yes.

03:20PM 5 Q. And we can pull it back up, but do you have anything to  
03:20PM 6 disagree with me that the 42-minute length corresponds to the  
03:20PM 7 42 minutes that's in the other document?

03:20PM 8 A. No.

03:20PM 9 Q. So this is sort of a reflection of -- it's the other side  
03:20PM 10 of the phone call that we see from the other -- that we've  
03:20PM 11 now seen both sides of the phone records, correct?

03:20PM 12 A. Yes.

03:20PM 13 Q. Okay.

03:20PM 14 **MR. MacKAY:** Now, Ms. Champoux can we go to  
03:20PM 15 page 1056. Scroll down a little bit further.

03:20PM 16 **BY MR. MacKAY:**

03:20PM 17 Q. So we're now on a further page past what we looked at.  
03:21PM 18 And do you see again Mr. Bongiovanni's phone number?

03:21PM 19 A. Yes.

03:21PM 20 Q. I might have drawn right over that, but same phone  
03:21PM 21 number, the date is January 16th?

03:21PM 22 A. Yes.

03:21PM 23 Q. And do you see here where it says VM deposit CL?

03:21PM 24 A. Yes.

03:21PM 25 Q. Do you understand that when reviewing phone records to

03:21PM 1 mean that looks like Mr. Gerace attempted to call

03:21PM 2 Mr. Bongiovanni and left a voicemail?

03:21PM 3 A. Yes.

03:21PM 4 Q. Okay. So the search process, I'm not going to go through

03:21PM 5 all of it, but any reason to disagree with me that the

03:21PM 6 remainder of these bills through 2/8/2018 his number doesn't

03:21PM 7 show up anymore?

03:21PM 8 A. I don't know that that's true or not.

03:21PM 9 Q. Okay.

03:21PM 10 A. And I wasn't -- the question wasn't only about telephone

03:21PM 11 calls --

03:21PM 12 Q. Okay.

03:21PM 13 A. -- when I asked him.

03:21PM 14 Q. Right. And we're going to get to that.

03:21PM 15 So it would have talked about, and what we've seen here,

03:21PM 16 is that looks like --

03:21PM 17 **MR. MacKAY:** You can take that down, Ms. Champoux,

03:21PM 18 thank you.

03:22PM 19 **BY MR. MacKAY:**

03:22PM 20 Q. -- there were some phone calls in November of 2017,

03:22PM 21 correct?

03:22PM 22 A. Yes. According to the records.

03:22PM 23 Q. From the records, it looks like Mr. Gerace tried to leave

03:22PM 24 Mr. Bongiovanni a voicemail in early 2018, correct?

03:22PM 25 A. Yes.

03:22PM 1 Q. And then so that time period is approximately a year and  
03:22PM 2 a half before you had interviewed Mr. Bongiovanni at his  
03:22PM 3 house, correct?

03:22PM 4 A. Yes.

03:22PM 5 Q. Now, we went through those text messages in -- you went  
03:22PM 6 through them on direct in Government Exhibit 310D; do you  
03:22PM 7 recall all those?

03:22PM 8 A. I do.

03:22PM 9 Q. We're going to go through them later in detail, but do  
03:22PM 10 you agree that with the exception of the June 30th, 2018  
03:22PM 11 incident at the cottage, do you agree with me that after that  
03:22PM 12 date, early -- I'm sorry, agree with me that after early  
03:22PM 13 2018, and with the exception of that date at the cottage,  
03:22PM 14 there's nothing in the text messages that reflects they ever  
03:23PM 15 met up, correct?

03:23PM 16 A. I'd have to go back and look at them.

03:23PM 17 Q. I'll circle back to that later. But you had understood  
03:23PM 18 that they had potentially been together at a cottage on  
03:23PM 19 June 30th of 2018, correct?

03:23PM 20 A. Yes.

03:23PM 21 Q. And by the time you interview Mr. Bongiovanni, that's  
03:23PM 22 June 6th, 2019 at his house, correct?

03:23PM 23 A. Yes.

03:23PM 24 Q. That's almost a year in the past, but not quite, correct?

03:23PM 25 A. Yes.

03:23PM 1 Q. Just about 11 months, correct?

03:23PM 2 A. Yes.

03:23PM 3 Q. Okay. Now, the 2018 cottage party.

03:23PM 4 So when you walked into the interview with

03:23PM 5 Mr. Bongiovanni, the only evidence you had about this party

03:23PM 6 came from, was it, number 1, your review of these text

03:23PM 7 messages that had come from Mr. Gerace's phone, correct?

03:24PM 8 A. From, well, from the memo. There were some -- most of

03:24PM 9 the text messages or at least some of them were in the memos.

03:24PM 10 And then I reviewed Mr. Gerace's phone. So I reviewed the

03:24PM 11 text messages from there also.

03:24PM 12 Q. And then you had had some conversations with Phlycia Hunt

03:24PM 13 at that time?

03:24PM 14 A. Not about the party, no.

03:24PM 15 Q. Okay. So at that point in time, she had not done that

03:24PM 16 circling on the photo, correct?

03:24PM 17 A. No, that was four months later.

03:24PM 18 Q. Okay. Now you had the text messages that we've all seen

03:24PM 19 in 310D because they came from Mr. Gerace's phone?

03:24PM 20 A. Yes.

03:24PM 21 Q. But you had not walked through those text messages at the

03:24PM 22 time of this interview with Mr. Bongiovanni, correct?

03:24PM 23 A. Not one text message at a time, no. But I did walk

03:24PM 24 through them with my questions. I mean, that's part of what

03:24PM 25 I was doing.

03:24PM 1 Q. Okay.

03:24PM 2 **MR. MacKAY:** Ms. Champoux, can we put up Government  
03:25PM 3 Exhibit 310D on page 68.

03:25PM 4 **BY MR. MacKAY:**

03:25PM 5 Q. And just before we start going through a few of these,  
03:25PM 6 Mr. Bongiovanni had described this as sort of a chance  
03:25PM 7 encounter, correct?

03:25PM 8 A. Which encounter?

03:25PM 9 Q. The June 30th cottage party.

03:25PM 10 A. Yes.

03:25PM 11 Q. Okay. He described it as not a planned event, correct?

03:25PM 12 A. Correct.

03:25PM 13 Q. Okay. I just want to set the stage here.

03:25PM 14 Let's start -- there's a text message from Mr. Gerace to  
03:25PM 15 Mr. Bongiovanni that's April 24th, 2018, and he says, I know  
03:25PM 16 brother, but life is going by fast, correct?

03:25PM 17 A. Yes.

03:25PM 18 Q. And then Mr. Bongiovanni sort of concludes the  
03:26PM 19 conversation that day by texting, sure is, correct?

03:26PM 20 A. Yes.

03:26PM 21 Q. Now the next jump down is to June 5th, 2018. And does  
03:26PM 22 that appear to be sort of one of those advertisement blast  
03:26PM 23 text messages that we've seen throughout the text string?

03:26PM 24 A. I mean, it's not a golf outing, it's a different event.  
03:26PM 25 But yes, it seems to be.



03:26PM 1 Q. Yeah, I mean, what I was terming sort of an advertising  
03:26PM 2 blast is like these text messages that advertise something  
03:26PM 3 going on at Pharaoh's, correct?

03:26PM 4 A. Yes. But that wouldn't come as a blast from Mr. Gerace's  
03:26PM 5 phone.

03:26PM 6 Q. Well --

03:26PM 7 A. What I'm saying is it's not like constant contact or  
03:26PM 8 something like that. It's a text message that's sent, but it  
03:26PM 9 appears to be probably a copy of something and forwarded.

03:26PM 10 Q. That's what I'm getting at. Is in your experience, have  
03:26PM 11 you sometimes seen that when things are being advertised by  
03:26PM 12 text, somebody might cut and paste a standard message and  
03:26PM 13 send it out to a bunch of people?

03:27PM 14 A. Well, this isn't a text message with a bunch of people.

03:27PM 15 Q. No, I mean, I'm saying they might send the same --

03:27PM 16 A. Yeah.

03:27PM 17 Q. -- worded text message to a bunch of people?

03:27PM 18 A. Yes.

03:27PM 19 Q. You've gotten those in your own life, you know,  
03:27PM 20 advertising some event --

03:27PM 21 A. Yes.

03:27PM 22 Q. -- that's going on, correct?

03:27PM 23 A. Yes.

03:27PM 24 Q. Now, so that's June 5th, 2018. Jumping down, the next  
03:27PM 25 text message, Mr. Gerace says on June 30th, am I ever gonna

03:27PM 1 see you again, correct?

03:27PM 2 A. Yes.

03:27PM 3 Q. And, you know, the text messages show there's no text

03:27PM 4 message between June 5th and June 30th, correct?

03:27PM 5 A. Not in the extraction anyway.

03:27PM 6 Q. Okay. And then you get Mr. Bongiovanni's response about

03:27PM 7 two hours after Mr. Gerace sends the message, it says miss

03:27PM 8 you bro. I'm going you to Sunset today, correct?

03:27PM 9 A. Yes.

03:27PM 10 Q. Now in that text message, fair to say, he's not --

03:27PM 11 there's no explicit invite to join him at Sunset, correct?

03:28PM 12 A. I think that's what their next several text messages are

03:28PM 13 about, isn't it?

03:28PM 14 Q. Well, I'm gonna go through those, but in this text

03:28PM 15 message here, he's not saying, you know, come join me at

03:28PM 16 Sunset, correct?

03:28PM 17 A. If you're asking me if that literally doesn't say come

03:28PM 18 see me at Sunset, then yes, that's correct.

03:28PM 19 Q. But, you know, what he's actually saying, the actual

03:28PM 20 words are, miss you, bro, I'm going up to Sunset today,

03:28PM 21 correct?

03:28PM 22 A. Yes, but you're asking me to take it out of context with

03:28PM 23 the rest of the text string.

03:28PM 24 Q. I'm asking you to just talk about this one text message

03:28PM 25 first.

03:28PM 1 In that text message he's, in sum and substance, telling  
03:28PM 2 him I'm going to Sunset today, correct?

03:28PM 3 A. Yes.

03:28PM 4 **MR. MacKAY:** Can we scroll down a little bit,  
03:28PM 5 Ms. Champoux?

03:28PM 6 **BY MR. MacKAY:**

03:28PM 7 Q. Now in the response a couple minutes later, Mr. Gerace  
03:28PM 8 says do you have a cottage, correct?

03:28PM 9 A. Yes.

03:28PM 10 Q. And then the next text a couple minutes after that  
03:28PM 11 Mr. Bongiovanni says, no, just going up. Tommy Doc is in  
03:29PM 12 town, and a couple of Lindsay's friends, correct?

03:29PM 13 A. Yes.

03:29PM 14 Q. And then Mr. Gerace responds 30 seconds later saying  
03:29PM 15 cool. Do you see that text?

03:29PM 16 A. I do.

03:29PM 17 Q. And the next text message, he says there's a -- I,  
03:29PM 18 there's a girl in town from Las Vegas staying with me with  
03:29PM 19 some other chick that works for me. Let me see what they  
03:29PM 20 want to do. That's the next message, correct?

03:29PM 21 A. Yes.

03:29PM 22 Q. Okay. Now --

03:29PM 23 **MR. MacKAY:** Can you scroll up a little further  
03:29PM 24 Ms. Champoux?

03:29PM 25 **MS. CHAMPOUX:** Up or down.

03:29PM 1 **MR. MacKAY:** Up. What I meant was down. Okay.

03:29PM 2 Thank you.

03:29PM 3 **BY MR. MacKAY:**

03:29PM 4 Q. And then Mr. Bongiovanni responds I'll be cool for a

03:29PM 5 happy hour any time, I'm off the 4, 5, 6. Do you see that

03:29PM 6 text message?

03:30PM 7 A. I do.

03:30PM 8 Q. And then what he says is okay, we are going in the

03:30PM 9 afternoon about 1 or 2. That's the next text message,

03:30PM 10 correct?

03:30PM 11 A. Yes.

03:30PM 12 Q. And in context, you understand that to mean he's

03:30PM 13 reporting that he's -- when he might be going to Tommy

03:30PM 14 Doctor's cottage, correct?

03:30PM 15 A. Yes.

03:30PM 16 Q. Now, fair to say that the next few text messages are some

03:30PM 17 back and forth about a concert that might be occurring on the

03:30PM 18 holiday weekend, correct?

03:30PM 19 A. And traffic difficulties to get to Sunset related --

03:30PM 20 Q. Yep.

03:30PM 21 A. -- to the concert.

03:30PM 22 Q. Yep.

03:30PM 23 **MR. MacKAY:** Now, can we scroll down a little bit

03:30PM 24 further, Ms. Champoux. Little bit further please. I think to

03:30PM 25 page 72.

BY MR. MacKAY:

Q. Okay. So we're on page 72 now, I think it is.

We're still on June 30th, 2018. Peter Gerace texts and

says I'm thinking about taking them down to RiverWorks. Last

time I was there, I was with you and Lindsay. See that text

message?

A. I do.

Q. Okay. Then next text message, he -- fair to say he

appears to be talking about a past time they went to Dock at

the Bay?

A. After they were at RiverWorks, was the way I read that.

Q. Right. And so both of these two text messages they're

talking about the -- fair to say looks like they're

reminiscing about a past outing they had at some point in

time, correct?

A. Yes.

Q. Okay. But in the first text message, what

Mr. Bongiovanni -- what Mr. Gerace is communicating is the

women that I'm with, I'm thinking of taking them to

RiverWorks; is that fair to say?

A. Yes.

Q. Okay. The context of that message is Mr. Gerace

communicating the women that I've got in town, one of them in

from out of town from Vegas, I'm thinking of taking them to

RiverWorks, correct?

03:32PM 1 A. Yes.

03:32PM 2 Q. Okay. And then Mr. Bongiovanni responds and says at the  
03:32PM 3 end, yes, have fun, be safe.

03:32PM 4 A. Yes.

03:32PM 5 Q. Now, after that, I mean, so that occurs at about -- this  
03:32PM 6 was 3:48 UTC, and help me with my math, that would be what  
03:32PM 7 time?

03:32PM 8 A. Four hours earlier in Buffalo that day. So 11:48.

03:32PM 9 Q. So it's about noon on the 30th, correct?

03:32PM 10 A. Yes.

03:32PM 11 Q. And then the next message in the string occurs -- help me  
03:32PM 12 with my math again, it's going to be four hours before that,  
03:32PM 13 so 8:43 p.m.; is that correct?

03:32PM 14 A. Yeah. No. 7.

03:32PM 15 Q. 7. 7:43 p.m. He says thanks brother, I'm home?

03:32PM 16 That's the message Mr. Gerace sends at that point in  
03:32PM 17 time, correct?

03:33PM 18 A. Yes.

03:33PM 19 Q. And, again, right after that, the next message occurs --  
03:33PM 20 what would essentially be early in the morning the next day,  
03:33PM 21 July 1st, Mr. Bongiovanni stating glad you got home safe,  
03:33PM 22 correct?

03:33PM 23 A. Yes.

03:33PM 24 Q. Okay. So the last two messages that I've kind of  
03:33PM 25 highlighted here, you understood the context of that to be

1 essentially Mr. Gerace texting Mr. Bongiovanni after he'd  
2 gotten home from the cottage, correct?

3 A. Yes.

4 Q. Okay. Meaning that you understood they had met up  
5 before, and this is essentially glad to see you got home safe  
6 text message at the back end of that, correct?

7 A. I mean, if you're asking me is I read this in advance of  
8 the interview, if I knew that had all related to the  
9 cottage --

10 Q. No, I'm saying as you sit here today, is that kind of  
11 what you understand these text messages to mean?

12 A. Yes.

13 Q. Okay. So, between this 3:48 p.m. -- or, well, we've  
14 established to be 11:48 a.m., and the text message that  
15 Mr. Gerace sends later at 7:43 p.m., there's no text messages  
16 in here further about them specifically going to meet up at  
17 the cottage, correct?

18 A. No.

19 Q. So, in the string of these text messages, the last text  
20 message that Mr. Bongiovanni received that it shows in these  
21 records is Peter Gerace saying he's going to RiverWorks,  
22 correct?

23 **MR. TRIPI:** Objection. Misstates what the text says.

24 **THE COURT:** Say it again?

25 **MR. TRIPI:** Misstates what the text says.

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1                   **BY MR. MacKAY:**

2           Q.   I'm getting a little messy here, let me clear up some of

3           the things on the screen.

4                   **THE COURT:**   Hang on.

5                   **BY MR. MacKAY:**

6           Q.   So earlier in the day --

7                   **THE COURT:**   Do you withdraw the question?

8                   **MR. MacKAY:**   Yeah, I withdraw the question,

9           Your Honor.   Thank you.

10                   **BY MR. MacKAY:**

11          Q.   So earlier in the day, Mr. Bongiovanni receives a text

12          where Peter's talking about going to RiverWorks, correct?

13          A.   He says I'm thinking about taking them down to

14          RiverWorks.

15          Q.   Right.   And RiverWorks, to your knowledge, that's in the

16          City of Buffalo, correct?

17          A.   It is.

18          Q.   It's kind of roughly in the area of the Sabres arena,

19          more or less?

20          A.   More or less.

21          Q.   More or less.   And Sunset Beach, that's about an hour

22          away in Chautauqua County, correct?

23          A.   I'm not sure how long it takes to drive there.

24          Q.   It's in Chautauqua County, correct?

25          A.   I never looked at a map to see where it -- what county



03:35PM 1 it's in. I know it's on Lake Erie in that direction.

03:35PM 2 Q. Okay. Do you know it to be near Irving, New York?

03:35PM 3 A. Sorry?

03:35PM 4 Q. Do you know it to be near Irving, New York?

03:35PM 5 A. That direction, yes.

03:35PM 6 Q. Okay. I mean, it's not right there in the City of

03:35PM 7 Buffalo; fair to say?

03:35PM 8 A. No. It's not. It's further west down the lake.

03:35PM 9 Q. Okay. Further down south and west of the city, correct?

03:35PM 10 A. Yes.

03:35PM 11 Q. Okay. So, other than a text message where there --

03:36PM 12 Mr. Gerace is communicating about a prior incident at the

03:36PM 13 Dock of the Bay, the text message before that, Mr. Gerace is

03:36PM 14 saying I'm going to RiverWorks, correct?

03:36PM 15 A. He said he's thinking about going to RiverWorks.

03:36PM 16 Q. Thinking of going to RiverWorks.

03:36PM 17 And we don't have to review all the phone records again,

03:36PM 18 but do you have any reason to disagree with me that there's

03:36PM 19 no phone contact in the records that can be seen between

03:36PM 20 Mr. Gerace and Mr. Bongiovanni on June 30th?

03:36PM 21 A. No, I can't say that without seeing the records.

03:36PM 22 Q. Okay. Let's go to a different subject.

03:37PM 23 You asked Mr. Bongiovanni about this party in Toronto in

03:37PM 24 2016, correct?

03:37PM 25 A. Yes.

03:37PM 1 Q. And you understood that to be his sister-in-law's 30th  
03:37PM 2 birthday party, correct?

03:37PM 3 A. Yes.

03:37PM 4 Q. Now at that point in time, it would have been  
03:37PM 5 approximately three and a half years before you sat down with  
03:37PM 6 Mr. Bongiovanni's house to do this interview, correct?

03:37PM 7 A. Yes.

03:37PM 8 Q. All right. February of 2016 versus June 2019, correct?

03:37PM 9 A. Yep, so three years and a few months, yes.

03:37PM 10 Q. And his answer to one of your questions was, in sum and  
03:37PM 11 substance, he couldn't remember if Anthony Gerace was there,  
03:37PM 12 correct?

03:37PM 13 A. That is correct. He said he could not remember.

03:37PM 14 Q. Okay. Now, I'm not going to put it back up on the  
03:37PM 15 screen, but do you recall if you were shown that photo of a  
03:37PM 16 number of gentlemen including Mr. Bongiovanni that was all  
03:37PM 17 purported to be taken up in Toronto?

03:37PM 18 A. Yes.

03:37PM 19 Q. Okay. And you'd agree with Mr. Gerace is not in that  
03:38PM 20 photo, correct?

03:38PM 21 A. Anthony or Peter.

03:38PM 22 Q. Anthony Gerace.

03:38PM 23 A. Neither of them are in the photo.

03:38PM 24 Q. But specifically, Anthony Gerace was not in that photo,  
03:38PM 25 correct?

03:38PM 1 A. He was not.

03:38PM 2 **MR. MacKAY:** Ms. Champoux, can we go to page 19,  
03:38PM 3 Government Exhibit 310D.

03:38PM 4 **BY MR. MacKAY:**

03:38PM 5 Q. Directing your attention to this text message here. This  
03:38PM 6 text message indicates Mr. Bongiovanni texted Mr. Gerace and  
03:38PM 7 says: What up, bro? Saw you -- brother in Toronto last  
03:38PM 8 weekend. That's what it says, correct?

03:38PM 9 A. Are you asking --

03:38PM 10 Q. That's what that says, correct?

03:38PM 11 A. Yes.

03:38PM 12 Q. Looks like he misspelled -- "you" should have been  
03:38PM 13 "your," correct?

03:38PM 14 A. That's the way I read it, yes.

03:38PM 15 Q. Now, you don't know as you sit here today whether Anthony  
03:38PM 16 Gerace and Joseph Bongiovanni interacted at all while they  
03:39PM 17 were up in Toronto for this birthday party weekend event,  
03:39PM 18 correct?

03:39PM 19 A. I was told they were at the party together.

03:39PM 20 Q. Right. And you were told by -- was that information you  
03:39PM 21 received from, ultimately, somebody else through Kevin  
03:39PM 22 Myszka?

03:39PM 23 A. What do you mean by from somebody else?

03:39PM 24 Q. Well, who -- when you were told that they were there  
03:39PM 25 together, where did you receive that information from?

03:39PM 1 A. From Kevin Myszka.

03:39PM 2 Q. Right. That -- so Kevin Myszka had reported -- was that  
03:39PM 3 directly to you, or was that through somebody else?

03:39PM 4 A. To me.

03:39PM 5 Q. You were in an interview and he reported that?

03:39PM 6 A. Yes.

03:39PM 7 Q. Okay. So by the time you get to your interview with  
03:39PM 8 Mr. Bongiovanni in June of 2019, your understanding about  
03:39PM 9 what may or may not have happened up at the party was based  
03:39PM 10 on Kevin Myszka had previously told you, correct?

03:39PM 11 A. And a corresponding border crossing.

03:39PM 12 Q. Yeah, and you -- let's go through that. You had reviewed  
03:40PM 13 some border crossing records, correct?

03:40PM 14 A. Yes.

03:40PM 15 Q. And from reviewing those records, you knew that Anthony  
03:40PM 16 Gerace had crossed the border to go to Canada, correct?

03:40PM 17 A. Yes.

03:40PM 18 Q. And you knew Mr. Bongiovanni had crossed the border to go  
03:40PM 19 to Canada as well, too, correct?

03:40PM 20 A. Yes.

03:40PM 21 Q. But nothing in the review of those records showed that  
03:40PM 22 they had, for example, crossed together in the same vehicle,  
03:40PM 23 correct?

03:40PM 24 A. No, they did not.

03:40PM 25 Q. And we don't need to go into detail, but border crossing

03:40PM 1 records just essentially show, you know, for example, what  
03:40PM 2 time and what port somebody crossed at, correct?

03:40PM 3 A. That depends on how deeply you look into them. But at  
03:40PM 4 their most basic level, that's what they show.

03:40PM 5 Q. Yeah. And the records that you reviewed were -- was it  
03:40PM 6 fair to say they were more towards the basic level than the  
03:40PM 7 more in-depth records?

03:40PM 8 A. Yes, I was looking at them for the timing of the  
03:40PM 9 crossings --

03:40PM 10 Q. Right, and --

03:40PM 11 A. -- to see if they corresponded with the party.

03:40PM 12 Q. Right. So when you walked into the interview with  
03:40PM 13 Mr. Bongiovanni, number 1, you had information from Kevin  
03:41PM 14 Myszka who was reporting what his recollection of the party  
03:41PM 15 was, correct?

03:41PM 16 A. Yes.

03:41PM 17 Q. And then you had some border crossing information that  
03:41PM 18 confirmed when people crossed to and from Canada, correct?

03:41PM 19 A. Yes.

03:41PM 20 Q. Okay.

03:41PM 21 A. And then also the text messages about the previous party  
03:41PM 22 at Boss.

03:41PM 23 Q. Okay. Now, other than what Mr. Myszka reported, you  
03:41PM 24 don't have any firsthand information about whether  
03:41PM 25 Mr. Bongiovanni and Anthony Gerace interacted while up in

03:41PM 1 Toronto, correct?

03:41PM 2 A. Are you asking me if I saw them interact?

03:41PM 3 Q. Yeah. From -- as you sit here today, obviously, you

03:41PM 4 weren't there in 2016 at the party, correct?

03:41PM 5 A. I was not.

03:41PM 6 Q. And so in -- you weren't there to observe what did or did

03:41PM 7 not happen up at the party, correct?

03:41PM 8 A. That's correct, I was not at the party.

03:41PM 9 Q. And then your only other observation -- the only other

03:41PM 10 information about somebody who was at the party was being

03:41PM 11 reported through Kevin Myszka, correct?

03:41PM 12 A. Yes.

03:41PM 13 Q. All right. Now, a similar subject, you asked about Mike

03:42PM 14 Sinatra, correct?

03:42PM 15 A. Yes.

03:42PM 16 Q. And, again, he's in that same photo with all the

03:42PM 17 gentlemen up in Toronto, correct?

03:42PM 18 A. Yes.

03:42PM 19 Q. And, again, the only information when you walked in to

03:42PM 20 interview Mr. Bongiovanni in June of 2019, you had -- about

03:42PM 21 what Mike Sinatra what might or might not have done were

03:42PM 22 those same groups of information, the -- what Kevin Myszka

03:42PM 23 reported and the border crossings, correct?

03:42PM 24 A. What do you mean by what I might or might not have done?

03:42PM 25 Q. I'm sorry, that's kind of a bad question.

03:42PM 1 When you're intending to question Mr. Bongiovanni about

03:42PM 2 Michael Sinatra, again, what you knew about whether Michael

03:42PM 3 Sinatra was up in Toronto for that party, that came from

03:42PM 4 information that was reported by Kevin Myszka, correct?

03:43PM 5 A. About the party, yes.

03:43PM 6 Q. Yeah. And what I'm talking about whether is Michael

03:43PM 7 Sinatra was at that party, that information came from, number

03:43PM 8 1, the photo you reviewed, correct?

03:43PM 9 A. Yes.

03:43PM 10 Q. Number 2, what Kevin Myszka reported, correct?

03:43PM 11 A. Yes.

03:43PM 12 Q. And your review of border crossings, correct?

03:43PM 13 A. Yes.

03:43PM 14 Q. Okay. And again, I may have asked this, but there was no

03:43PM 15 evidence that showed that Michael Sinatra and Joe Bongiovanni

03:43PM 16 either crossed to or from Canada together, correct?

03:43PM 17 A. No, I think -- actually, well, I don't -- they didn't

03:43PM 18 cross together. Mike Sinatra crossed with somebody else. It

03:43PM 19 was either Kevin or Anthony, I don't recall which one.

03:43PM 20 Q. Okay. And Mr. Bongiovanni reported that he, in sum and

03:43PM 21 substance, he knew Mike Sinatra because it was his

03:43PM 22 landscaper, correct?

03:43PM 23 A. That is what he said, yes.

03:43PM 24 Q. Okay. And you had looked into Mike Sinatra, and you know

03:44PM 25 that in fact he is a landscaper, correct?

03:44PM 1 A. He is a landscaper, and maybe something else, but yes, he  
03:44PM 2 does have a landscape business.

03:44PM 3 Q. Okay. That's my question, he owns a landscape business,  
03:44PM 4 correct?

03:44PM 5 A. Yes.

03:44PM 6 Q. And Mr. Bongiovanni reported he had done some --  
03:44PM 7 Mr. Sinatra had done some work on his house?

03:44PM 8 A. That's what he said, yes.

03:44PM 9 **MR. MacKAY:** Judge, just based on the time, this  
03:44PM 10 might be a good time to take the break before it gets too  
03:44PM 11 late.

03:44PM 12 **THE COURT:** Okay. We'll take another break now.  
03:44PM 13 Remember my instructions about not communicating  
03:44PM 14 about the case and not making up your mind.

03:44PM 15 We'll see you back near ten or 15 minutes.

03:44PM 16 (Jury excused at 3:44 p.m.)

03:45PM 17 **THE COURT:** Anything for the record?

03:45PM 18 **MR. MacKAY:** No, Your Honor.

03:45PM 19 **MR. COOPER:** No, thank you, Judge.

03:45PM 20 **THE COURT:** Great. See you in a few minutes.

03:45PM 21 (Off the record at 3:45 p.m.)

04:02PM 22 (Back on the record at 4:02 p.m.)

04:02PM 23 (Jury not present.)

04:02PM 24 **THE CLERK:** All rise.

04:02PM 25 **THE COURT:** Please be seated.



04:02PM 1           **THE CLERK:** We are back on the record for the  
04:02PM 2 continuation of the jury trial in case number 19-cr-227,  
04:02PM 3 United States of America versus Joseph Bongiovanni.

04:02PM 4           All counsel and parties are present.

04:02PM 5           **THE COURT:** Anything before we resume?

04:02PM 6           **MR. TRIPI:** Not from the government, Judge.

04:02PM 7           **MR. MacKAY:** No, Your Honor.

04:02PM 8           **THE COURT:** Okay. Let's bring the jury in, please.  
04:02PM 9 We're still going to finish today?

04:02PM 10          **MR. MacKAY:** It's going a little slower than I  
04:02PM 11 expected, Judge.

04:02PM 12          **MR. TRIPI:** We just talked about that. Probably not.  
04:02PM 13 It's close, but --

04:03PM 14           (Jury seated at 4:03 p.m.)

04:04PM 15          **THE COURT:** The record will reflect that all our  
04:04PM 16 jurors, again, are present.

04:04PM 17           I remind the witness that he's still under oath.

04:04PM 18           We'll go until 5:00 and break then.

04:04PM 19           You may continue, Mr. MacKay.

04:04PM 20          **BY MR. MacKAY:**

04:04PM 21 Q. Okay. Mr. Ryan, we were talking about Mike Sinatra; do  
04:04PM 22 you remember that?

04:04PM 23 A. Yes.

04:04PM 24 Q. Kevin Myszka had reported information about Joe  
04:04PM 25 Bongiovanni and Mike Sinatra being present in Toronto,

04:04PM 1 direct?

04:04PM 2 A. Yes, sir.

04:04PM 3 Q. You had no other information, though, that Mike Sinatra  
04:04PM 4 and Joe Bongiovanni socialized together, correct?

04:04PM 5 A. As I was doing the interview, you're asking? Yes, that's  
04:04PM 6 correct.

04:04PM 7 Q. Now you also asked Mr. Bongiovanni questions about Peter  
04:04PM 8 Gerace, you know, and there were responses about whether he  
04:04PM 9 was a confidential source, correct?

04:04PM 10 A. Yes.

04:05PM 11 **MR. MacKAY:** Ms. Champoux, can we show Government  
04:05PM 12 Exhibit 30A.

04:05PM 13 **BY MR. MacKAY:**

04:05PM 14 Q. Do you recall being shown this on your direct, correct?

04:05PM 15 A. Yes.

04:05PM 16 Q. Are you familiar this is a report that Mr. Bongiovanni  
04:05PM 17 writes back in 2009, correct?

04:05PM 18 A. Yes.

04:05PM 19 Q. And without going through it all, some part of it  
04:05PM 20 reflects that Mr. Gerace was -- had acted as a confidential  
04:05PM 21 source, correct?

04:05PM 22 A. Yes, it says that.

04:05PM 23 Q. Yep. Now, this had occurred a decade before you  
04:05PM 24 questioned Mr. Bongiovanni, correct?

04:05PM 25 A. Yes.

04:05PM 1 Q. This report was not in the context of the discussion you  
04:05PM 2 were having about Mr. Gerace and being a confidential source  
04:05PM 3 shown to him at any point in time?

04:05PM 4 A. No. I did not show him the report.

04:05PM 5 Q. Meaning, you weren't having him review this report and  
04:05PM 6 tell you what he meant by it, correct?

04:05PM 7 A. Correct.

04:05PM 8 Q. Now you're aware that Special Agent Chris Wisniewski had  
04:06PM 9 a case in or about 2008, in relation to that case he  
04:06PM 10 approached his supervisors about permitting Mr. Bongiovanni  
04:06PM 11 to do a cold approach with Peter Gerace in relation to that  
04:06PM 12 case; were you aware of that?

04:06PM 13 A. No.

04:06PM 14 Q. So you're not aware of any details of a cold approach  
04:06PM 15 Mr. Bongiovanni may have done of Peter Gerace back in 2018 or  
04:06PM 16 2009?

04:06PM 17 A. Is this the Gambino case? What case are we talking  
04:06PM 18 about?

04:06PM 19 Q. Well, I'm asking you just generally. Do you have any  
04:06PM 20 knowledge about Mr. Bongiovanni doing a cold -- what's -- let  
04:06PM 21 me -- do you know what a cold approach is?

04:06PM 22 A. Yes.

04:06PM 23 Q. Okay. Do you, as you sit here, do you -- do you have any  
04:06PM 24 knowledge of any details of a potential cold approach  
04:06PM 25 Mr. Bongiovanni did with Mr. Gerace or purportedly did with

1 Mr. Gerace back in 2008 or 2009?

2 A. The information I have about '8 or '9 is that there was  
3 information that came in that said Peter Gerace was involved  
4 in a drug-trafficking organization, and that Mr. Bongiovanni  
5 and Mr. Palmieri would interview him.

6 Q. Okay. But that's the only information you have about  
7 that, correct?

8 A. Yes.

9 Q. Now, another topic you discussed --

10 **MR. MacKAY:** You can take that down, Ms. Champoux.

11 **BY MR. MacKAY:**

12 Q. -- another topic you discussed was this file, 100A, that  
13 was found in the basement, correct?

14 A. Yes.

15 Q. That's the physical file, so the jury remembers what I'm  
16 talking about, correct?

17 A. The Redweld folder. Yes.

18 Q. Yes. You're doing your interview, and that's eventually  
19 presented to you by some other agent while you're doing your  
20 interview, correct?

21 A. Yes, it was William Gamble.

22 Q. And in sum and substance, you asked Mr. Bongiovanni what  
23 it was there for. And he said that it was to verify  
24 everything's on the up and up?

25 A. Yes.

04:08PM 1 Q. Okay. And you asked him a couple times about the  
04:08PM 2 subject, correct?

04:08PM 3 A. Twice.

04:08PM 4 Q. And then, but one of the answers he gives you is that he  
04:08PM 5 wanted to verify everything is on the up and up, correct?

04:08PM 6 A. The first time, yes.

04:08PM 7 Q. And that he knew there was an ongoing IOC investigation,  
04:08PM 8 correct?

04:08PM 9 A. Yes.

04:08PM 10 Q. Now at that -- in late 2018, early 2019, you were in  
04:08PM 11 group -- let me withdraw that.

04:08PM 12 You were always in group D-58, correct?

04:08PM 13 A. Yes --

04:08PM 14 Q. And I think --

04:08PM 15 A. -- since my time with DEA.

04:08PM 16 Q. -- and I think you told us on your direct towards the end  
04:08PM 17 of 2018 you stopped reporting to DEA, correct?

04:08PM 18 A. Sometime between, I would say, from Halloween on, very  
04:09PM 19 irregular. By the end of the year, not at all.

04:09PM 20 Q. Okay. Now in your work with D-58, did you have much, if  
04:09PM 21 any, interactions with D-57?

04:09PM 22 A. No.

04:09PM 23 Q. Okay. So as you sit here today, you don't know what, if  
04:09PM 24 anything, was being said by members of D-57 about any  
04:09PM 25 investigations that were going on with Mr. Bongiovanni in

04:09PM 1 late 2018, correct?

04:09PM 2 A. Nobody from D-57 said anything to me. I didn't hear  
04:09PM 3 anybody say anything.

04:09PM 4 Q. That was my question. Nobody told anything to you,  
04:09PM 5 correct?

04:09PM 6 A. Correct.

04:09PM 7 Q. Now, the phrase "on the up and up," those were  
04:09PM 8 Mr. Bongiovanni's words, correct?

04:09PM 9 A. I don't know that they were exactly his words.

04:09PM 10 The sum and substance of the exchange was that he wanted  
04:09PM 11 to be able to show that he had done a legitimate  
04:09PM 12 investigation of Ron Serio.

04:09PM 13 Q. Okay. So that's what you -- so, those words he told you  
04:09PM 14 to explain why he had the Serio file at his home, correct?

04:10PM 15 A. I don't know if that's an exact quote, no.

04:10PM 16 Q. So --

04:10PM 17 A. Like I said, the sum and substance of the exchange was  
04:10PM 18 that he had taken a legitimate look at Ron Serio.

04:10PM 19 Q. What are the exact words you remember Mr. Bongiovanni  
04:10PM 20 saying?

04:10PM 21 A. I don't recall his exact words.

04:10PM 22 Q. Now, later, you returned -- you said you talked about why  
04:10PM 23 the Serio file was in his home twice during the entire  
04:10PM 24 interview, correct?

04:10PM 25 A. Yes.

Q. Now during the second time, you circle back to the subject. He tells you, well, I burned the rest of the files, correct?

A. His work papers, he was talking about.

Q. Well, I mean, when he said work papers, what did you understand that to mean?

A. His other DEA work papers.

Q. Yeah. I'm asking you, what did you understand what DEA -- what did you understand what DEA work papers to mean when you heard that?

A. I don't know. I don't know what his other DEA work papers were.

Q. Well, when some -- well, generally speaking, if somebody says DEA work papers, what do you understand that phrase to mean?

**MR. TRIPI:** Objection. Asked and answered.

**THE COURT:** Overruled.

**THE WITNESS:** That can be a myriad of things. All the types of things that were in that file just related to other cases.

**BY MR. MacKAY:**

Q. And you know that agents generally keep working files about the files they're working on at any one time, correct?

A. When they're working on them, yes.

Q. So, I think then you asked him about something about the

04:11PM 1 Serio investigation. And he says he brought -- he -- he  
04:11PM 2 learned about it in the March of 2019 interview, correct?

04:11PM 3 A. I asked him why -- why this file, you know, if you're  
04:11PM 4 only going to keep one, why this one?

04:11PM 5 And he said he learned about the Serio investigation  
04:11PM 6 during the OIG interview.

04:11PM 7 Q. Okay. Now, when you were working this investigation, it  
04:12PM 8 centered around Mr. Bongiovanni, you made a priority not to  
04:12PM 9 let anybody else know about it other than very need-to-know  
04:12PM 10 individuals, correct?

04:12PM 11 A. Yes.

04:12PM 12 Q. Okay. You didn't talk to Mr. Bongiovanni about the fact  
04:12PM 13 he was under investigation, correct?

04:12PM 14 A. Correct.

04:12PM 15 Q. And I'm focusing on the time after July 20th, 2018,  
04:12PM 16 because that's the time period -- whether that's the exact  
04:12PM 17 date, when there's an important revelation that's made,  
04:12PM 18 correct?

04:12PM 19 A. Yes.

04:12PM 20 Q. So after that date, you don't tell Mr. Bongiovanni he's  
04:12PM 21 under investigation in any fashion, correct?

04:12PM 22 A. I did not.

04:12PM 23 Q. You didn't tell Mr. Bongiovanni after that date that you  
04:12PM 24 were investigating Ron Serio, correct?

04:12PM 25 A. I did not.



04:12PM 1 Q. Okay. And, I mean, you had previously been investigating  
04:12PM 2 Ron Serio before you walked into the July 20th, 2018, meeting  
04:12PM 3 with him, correct?

04:12PM 4 A. Yes.

04:12PM 5 Q. Because you had attended a proffer back in February of  
04:13PM 6 2018, correct?

04:13PM 7 A. Yes.

04:13PM 8 Q. And that was also of Mr. Serio, correct?

04:13PM 9 A. Yes. I would say, though, to say that we were  
04:13PM 10 investigating Mr. Serio is not an accurate characterization  
04:13PM 11 of it. I mean, Mr. Serio was done at that point.

04:13PM 12 Q. Because he had been arrested by the FBI and Erie County  
04:13PM 13 Sheriffs, and charged in federal court, correct?

04:13PM 14 A. Right.

04:13PM 15 Q. But you were doing an investigation that involved Ron  
04:13PM 16 Serio through 2018, correct?

04:13PM 17 A. That's true.

04:13PM 18 Q. And you did not share any information that you were  
04:13PM 19 investigating any Ron Serio DTO with Joe Bongiovanni,  
04:13PM 20 correct?

04:13PM 21 A. I did not.

04:13PM 22 Q. Now, you talked about that you and Special Agent Dave  
04:13PM 23 Carpenter met and discussed in relation to how this March  
04:13PM 24 2019 interview would be conducted, and there was a decision  
04:13PM 25 made that the Serio component of the case would not be

1 discussed with Mr. Bongiovanni, correct?

2 A. Yes.

3 Q. It was your understanding that when Mr. -- when Agent

4 Carpenter was going to interview Mr. Bongiovanni in March of

5 2019, he wasn't going to talk in any fashion about the Serio

6 investigation, correct?

7 A. Yes.

8 Q. The intention was for him to talk only about this race

9 comments investigation, correct?

10 A. Yes.

11 Q. Okay. And the purpose of doing so, and why you had these

12 discussions, was that so this March 2019 interview would not

13 alert Mr. Bongiovanni to any investigation that was occurring

14 about Ron Serio and him, correct?

15 A. By --

16 Q. Him --

17 A. -- Ron Serio and Mr. Bongiovanni?

18 Q. Yes.

19 A. Yes.

20 Q. Now, you're aware, though, that Special Agent Carpenter

21 didn't follow those rules when he conducted the interview,

22 correct?

23 **MR. TRIPI:** Objection. Calls for hearsay, and  
24 argumentative, and speculative.

25 **THE COURT:** Overruled.

04:15PM

1

**BY MR. MacKAY:**

04:15PM

2

Q. Are you aware he didn't follow that plan that you

04:15PM

3

discussed, correct?

04:15PM

4

A. No.

04:15PM

5

Q. Okay. You're aware -- are you aware that he asked

04:15PM

6

questions about T.S. in that March 2019 interview?

04:15PM

7

A. I don't recall.

04:15PM

8

Q. Okay. And you're aware from your investigation

04:15PM

9

separately that T.S. had some connection to Ron Serio,

04:15PM

10

correct?

04:15PM

11

A. Yes.

04:15PM

12

**MR. MacKAY:** Ms. Champoux, can we show Government

04:15PM

13

Exhibit 26E?

04:15PM

14

**MS. CHAMPOUX:** E as in Edward?

04:15PM

15

**MR. MacKAY:** Yes.

04:15PM

16

**THE COURT:** In evidence?

04:15PM

17

**MR. MacKAY:** Yes.

04:15PM

18

**BY MR. MacKAY:**

04:15PM

19

Q. All right. So I'm showing you Government Exhibit 26E.

04:15PM

20

Do you recognize that to be a DARTS email?

04:15PM

21

A. Yes.

04:15PM

22

Q. Okay. And we've done this throughout this trial a lot,

04:15PM

23

but I just want to orient the jury again. This is an email

04:16PM

24

that members of law enforcement receive when there's an

04:16PM

25

overlap about numbers that are put into DARTS; is that fair

04:16PM 1 to say?

04:16PM 2 A. This particular email doesn't originate from DARTS.

04:16PM 3 Q. Okay.

04:16PM 4 A. It's been forwarded once.

04:16PM 5 Q. Okay. Where was it forwarded from originally?

04:16PM 6 A. Well, it's from Joseph Bongiovanni, using his iPhone, to

04:16PM 7 Gregory Yensan.

04:16PM 8 Q. Yeah, let me narrow this a little bit better.

04:16PM 9 I'm talking about, sort of, the lower half of the email.

04:16PM 10 A. So the part that's from, and has my name and email

04:16PM 11 address down, yes, that's from DARTS.

04:16PM 12 Q. Okay. So that's, like, let's just -- I kind of want to

04:16PM 13 just ignore the top here.

04:16PM 14 But what's below that is a -- what we can refer to it as

04:16PM 15 a DARTS email, correct?

04:16PM 16 A. Yes.

04:16PM 17 Q. Okay. That's the email that's automatically generated

04:16PM 18 when there's overlap in numbers, correct?

04:16PM 19 A. Yes.

04:16PM 20 Q. And the date this occurs is August 21st, 2018, correct?

04:17PM 21 A. Yes.

04:17PM 22 Q. And it's being sent from your email address, correct?

04:17PM 23 A. It doesn't show up in your out box, but that's the way

04:17PM 24 they're formatted, yes.

04:17PM 25 Q. So it's being automatically generated but, you know, it's

not like you -- and it's being associated with you, but it's not that you're personally sending this email; is that a way of characterizing it?

A. Yes.

Q. Okay. But this DARTS entry that occurs on this date is generated because of action you take on that date, correct?

A. Yes.

Q. And that's why it shows as coming from your email, correct?

A. Yes.

**MR. MacKAY:** Ms. Champoux, can we blow up the from date and to section there? Okay.

**BY MR. MacKAY:**

Q. And then when there's a DARTS overlap, generally what happens is anybody who has a -- withdrawn. Let me reword that.

When one of these emails is sent, it's sent out to other people who might cross-reference or overlap with the numbers in the DARTS system, correct?

A. Yes.

Q. And that's who the -- who's encompassed to this "to" section, correct?

A. Yes.

Q. Okay. And it's -- Mr. Bongiovanni is noted as one of the recipients, correct?

04:18PM 1 A. Yes.

04:18PM 2 Q. So in simple parlance, he's getting one of these DARTS  
04:18PM 3 emails on that date that purports to originate from you,  
04:18PM 4 correct?

04:18PM 5 A. Yes.

04:18PM 6 **MR. MacKAY:** Can we unblow that up, Ms. Champoux.

04:18PM 7 And now can we go down and blow up the lower half of  
04:18PM 8 the page?

04:18PM 9 **BY MR. MacKAY:**

04:18PM 10 Q. So for this first entry, it's indicating that you're  
04:19PM 11 logging a number here, correct?

04:19PM 12 A. Yes.

04:19PM 13 Q. I might not have the parlance exactly, but what's going  
04:19PM 14 on here is that this is a number that you're somehow entering  
04:19PM 15 where I circled, and that's going into the DARTS system and  
04:19PM 16 generating an overlap, correct?

04:19PM 17 A. Yes.

04:19PM 18 Q. And the remarks you're putting in in association with  
04:19PM 19 running this number are numbers associated with Ron Serio  
04:19PM 20 DTO, correct?

04:19PM 21 A. Yes.

04:19PM 22 Q. And you are identifying a DEA file number here, correct?

04:19PM 23 A. Yes.

04:19PM 24 Q. Okay. And then the overlap is created the next entry  
04:19PM 25 down with similar number that Justin Borst, the intel

04:19PM 1 analyst, entered, correct?

04:19PM 2 A. Yes.

04:19PM 3 **MR. MacKAY:** Okay. Can we unblow that up? I don't  
04:19PM 4 know a better word.

04:19PM 5 **BY MR. MacKAY:**

04:19PM 6 Q. So, Mr. Bongiovanni is receiving this email on  
04:20PM 7 August 21st, 2018, correct?

04:20PM 8 A. Yes.

04:20PM 9 Q. And he's able, I mean, based on what's in the email, he's  
04:20PM 10 able to see that you're running a number associated with the  
04:20PM 11 Ron Serio DTO on August 21st, 2018, correct?

04:20PM 12 A. Yes.

04:20PM 13 Q. Okay. And he can see, presumably based on what's in this  
04:20PM 14 email, that it has some overlap with the case he did, which  
04:20PM 15 was the Wayne Anderson case, correct?

04:20PM 16 A. Yes. The number overlapped.

04:20PM 17 Q. Right. I circled the number there. That's the Wayne  
04:20PM 18 Anderson file number, correct?

04:20PM 19 A. Yes.

04:20PM 20 Q. Okay. And this date is August 21st, 2018, is a month  
04:20PM 21 after you interviewed Ron Serio, correct?

04:20PM 22 A. Yes.

04:20PM 23 Q. And you're logging this number associated with the Ron  
04:21PM 24 Serio DTO under a C2-16-0087 file number, correct?

04:21PM 25 A. Yes.

Q. And do you recall as you sit here what the file title for that case number was?

A. It may have been Joe Bella, or it may have been Jarrett Guy.

Q. Okay. But at the same time, I think you've already testified, in August of 2018, you're not talking to Mr. Bongiovanni about Ron Serio in any fashion though, correct?

A. That's correct.

**MR. MacKAY:** Now, Ms. Champoux, can you take that down? Can we pull up in Government Exhibit 100A.1, the file entitled DARTS email 1/7/19.

**MR. TRIPI:** I'm sorry, I missed the exhibit number.

**MR. MacKAY:** 100A.1.

**MR. TRIPI:** Thank you.

**MR. MacKAY:** Sorry about that. It was DARTS email 1/7/19.

Can we zoom out just a little bit?

**BY MR. MacKAY:**

Q. And this is another of these DARTS emails, correct?

A. Yes.

Q. And this one, from what you can see, it's occurring on January 7th, 2019, correct?

A. Yes.

Q. And it's got your name as one of the recipients, correct?



04:22PM 1 A. Yes.

04:22PM 2 Q. And it's got Joseph Bongiovanni's name as one of the  
04:22PM 3 recipients, correct?

04:22PM 4 A. It does.

04:22PM 5 **MR. MacKAY:** Okay. Can we scroll down a little bit,  
04:22PM 6 Ms. Champoux. Okay. Actually, just a little bit further up.

04:22PM 7 **BY MR. MacKAY:**

04:23PM 8 Q. So, again, based on how DARTS emails work, this is a  
04:23PM 9 copy -- I'm sorry, this is an email that Mr. Bongiovanni  
04:23PM 10 would have seen, correct?

04:23PM 11 A. Yes.

04:23PM 12 Q. Because he would have --

04:23PM 13 A. Presumably.

04:23PM 14 Q. -- because he would have received it, correct?

04:23PM 15 A. He would have received it, yes, sir.

04:23PM 16 Q. And in fact, this is a scan of a printout that was in  
04:23PM 17 100A, correct?

04:23PM 18 A. Yes.

04:23PM 19 Q. Okay. Now, this first entry, do you see here it says  
04:23PM 20 1/7/19, correct?

04:23PM 21 A. Yes.

04:23PM 22 Q. And it's Anthony Casullo is running a number, correct?

04:23PM 23 A. Yes.

04:23PM 24 Q. And it shows that it's a -- phone numbers in contact with  
04:23PM 25 Mike Sinatra related to a burglary and drug trafficking in

04:23PM 1 Buffalo and Niagara County, correct?

04:23PM 2 A. Yes.

04:23PM 3 Q. And then two entries down, it shows an entry that, again,  
04:24PM 4 Anthony Casullo put in, correct?

04:24PM 5 A. Yes.

04:24PM 6 Q. It was a couple days earlier on January 3rd, 2019,  
04:24PM 7 correct?

04:24PM 8 A. Yes.

04:24PM 9 Q. And it's numbers related to ongoing investigation in  
04:24PM 10 Tonawanda, New York, and worked jointly with HSI Buffalo,  
04:24PM 11 correct?

04:24PM 12 A. Yes.

04:24PM 13 Q. As you were interviewing Mr. Bongiovanni, at one point in  
04:24PM 14 time during the interview in his house, he indicates that he  
04:24PM 15 knew -- something to the effect that he knew you guys were  
04:24PM 16 looking at Serio, correct?

04:24PM 17 A. Yes.

04:24PM 18 Q. And you took that to mean HSI, correct?

04:24PM 19 A. He gestured towards me, yes.

04:24PM 20 Q. Okay. And at the time, you were still with HSI, correct?

04:24PM 21 A. Yes.

04:24PM 22 Q. All right.

04:24PM 23 **MR. MacKAY:** You can take that down, Ms. Champoux,  
04:24PM 24 thank you.

04:24PM 25 Oops, I'm sorry. Can you leave that up for one

04:24PM 1 second? Can you go down to the next page?

04:25PM 2 **BY MR. MacKAY:**

04:25PM 3 Q. All right. So we're on the second page now. This is  
04:25PM 4 another number that's run, correct?

04:25PM 5 A. Yes.

04:25PM 6 Q. And, again, it shows on January 7th, 2019, an overlap  
04:25PM 7 that Anthony Casullo is running a number related to the Mike  
04:25PM 8 Sinatra burglary, in sum and substance, correct?

04:25PM 9 A. Yes.

04:25PM 10 Q. And below that, it ties to an entry that was inputted  
04:25PM 11 back in 2013 with Justin Borst, correct?

04:25PM 12 A. It does.

04:25PM 13 Q. And it's got that same entry again regarding Anthony  
04:25PM 14 Casullo inputting something on January 3, 2019, correct?

04:25PM 15 A. Yes.

04:25PM 16 Q. That one also refers to the joint investigation with HSI,  
04:25PM 17 correct?

04:25PM 18 A. Yes.

04:25PM 19 Q. And that middle entry, that was also in reference to the  
04:25PM 20 Wayne Anderson file, correct?

04:25PM 21 A. Are you talking about C2-13-0026, yes.

04:26PM 22 Q. Yes. So, based on this email, Mr. Bongiovanni is  
04:26PM 23 receiving an email that shows that there's some overlap  
04:26PM 24 between the Wayne Anderson file he investigated back in 2013,  
04:26PM 25 and the current ongoing investigation worked jointly with

04:26PM 1 HSI, correct?

04:26PM 2 A. Well, it's specific to phone numbers, so that's the  
04:26PM 3 overlap.

04:26PM 4 Q. Right. But there's some overlap between an investigation  
04:26PM 5 HSI is doing in early 2019, and something he did in Wayne  
04:26PM 6 Anderson back in 2013, correct?

04:26PM 7 A. It's correct. There's an overlap. I'm just elaborating  
04:26PM 8 that it's specific to phone numbers. So it's not the sum  
04:26PM 9 overlap. The overlap is the phone numbers.

04:26PM 10 Q. Right. So there's an overlap between the phone numbers  
04:26PM 11 which is some part of the investigation that was done back in  
04:26PM 12 2013, overlaps with something that's occurring in 2019,  
04:26PM 13 correct?

04:26PM 14 A. I just -- I feel like you're trying to make it more  
04:26PM 15 general than it is, when it's very specific.

04:27PM 16 It's very specifically the phone number that's overlaps.

04:27PM 17 Q. Let me ask it again.

04:27PM 18 The phone numbers in 2019 that are being investigated in  
04:27PM 19 a joint investigation of HSI and DEA overlap with phone  
04:27PM 20 numbers that are associated with the Wayne Anderson file back  
04:27PM 21 in 2013, correct?

04:27PM 22 A. Yes. Yes.

04:27PM 23 **MR. MacKAY:** You can take that down, Ms. Champoux.

04:27PM 24 **BY MR. MacKAY:**

04:27PM 25 Q. Now another subject you talked about was generally about

04:27PM 1 Peter Militello, correct? During the interview with

04:27PM 2 Mr. Bongiovanni?

04:27PM 3 A. No, not generally about Peter Militello. That was in

04:27PM 4 response to a question.

04:27PM 5 Q. Well, it's a subject that came up in the interview,

04:27PM 6 correct?

04:27PM 7 A. Peter Militello? That name was a response to a specific

04:27PM 8 question, so yes, it came up in that context.

04:27PM 9 Q. Yes. So the name Peter Militello came up in your

04:27PM 10 interview with Joe Bongiovanni in June of 2019, correct?

04:28PM 11 A. Yes.

04:28PM 12 Q. Now, this was in relation to who -- the questions about

04:28PM 13 who the source in the Wayne Anderson file was, correct?

04:28PM 14 A. Yes.

04:28PM 15 Q. Okay. You asked Mr. Bongiovanni some questions, and he

04:28PM 16 responded that the source was Peter Militello; is that fair

04:28PM 17 to say?

04:28PM 18 A. No, not the source. I was asking him what happened with

04:28PM 19 his Ron Serio investigation.

04:28PM 20 Q. Okay.

04:28PM 21 A. He said his source was arrested for selling fentanyl and

04:28PM 22 heroin, meaning his confidential source, his source into Ron

04:28PM 23 Serio. So that effectively ended his investigation.

04:28PM 24 Q. Okay. Now, you had previously reviewed the Wayne

04:28PM 25 Anderson file prior to interviewing Mr. Bongiovanni, correct?

04:28PM 1 A. Yes.

04:28PM 2 Q. And you knew that Peter Militello was not in any way a  
04:28PM 3 confidential source in the Wayne Anderson file, correct?

04:28PM 4 A. I didn't know that as I sat there, no.

04:28PM 5 Q. You had not seen Peter Militello's name in the Wayne  
04:29PM 6 Anderson file, correct?

04:29PM 7 A. If he was the source in the file, it wouldn't be in  
04:29PM 8 there.

04:29PM 9 Q. So my question to you was: You did not see Peter's  
04:29PM 10 Militello name in the Wayne Anderson file, correct?

04:29PM 11 A. I thought your question was whether or not I knew if he  
04:29PM 12 was the source in the Wayne Anderson file.

04:29PM 13 Q. So what I'm getting toward is when you reviewed the Wayne  
04:29PM 14 Anderson file prior to interviewing Mr. Bongiovanni, you  
04:29PM 15 didn't see Peter Militello's name in that file?

04:29PM 16 **MR. TRIPI:** Objection.

04:29PM 17 **MR. MacKAY:** Correct?

04:29PM 18 **MR. TRIPI:** Presumes facts not in evidence. I don't  
04:29PM 19 think there was any evidence that he reviewed it before the  
04:29PM 20 interview.

04:29PM 21 **THE COURT:** I'll sustain the objection to the form of  
04:29PM 22 the question. Ask another question.

04:29PM 23 **BY MR. MacKAY:**

04:29PM 24 Q. Did you review the Wayne Anderson file prior to  
04:29PM 25 interviewing Joseph Bongiovanni in June of 2019?

04:29PM 1 A. At least the DEA-6s.

04:29PM 2 Q. Okay. And in those DEA-6s, fair to say there's no

04:29PM 3 mention of Peter Militello, correct?

04:29PM 4 A. There is not.

04:29PM 5 Q. Peter Militello is not identified as a confidential

04:30PM 6 source in any of those DEA-6s, correct?

04:30PM 7 A. No one would be identified by a name as a confidential

04:30PM 8 source in a DEA-6.

04:30PM 9 Q. My question was: Peter Militello is never identified as

04:30PM 10 any sort of confidential source in those DEA-6s, correct?

04:30PM 11 A. No.

04:30PM 12 Q. Okay. His name doesn't appear in any fashion,

04:30PM 13 confidential source or otherwise, in those DEA-6s, correct?

04:30PM 14 A. It doesn't.

04:30PM 15 Q. Okay. So you were not familiar with the Peter Militello

04:30PM 16 name from the Wayne Anderson file when you sat down with Joe

04:30PM 17 Bongiovanni in June of 2019, correct?

04:30PM 18 A. Not from the file, no.

04:30PM 19 Q. Okay.

04:30PM 20 A. I don't know if I already knew about his case or not.

04:30PM 21 Q. Now your review of the DEA-6s indicated that R.K. was

04:30PM 22 potentially associated with the Wayne Anderson file as a

04:30PM 23 confidential source, correct?

04:30PM 24 A. That didn't come from a review of the 6s, no.

04:30PM 25 Q. Okay. That came of a review of other documents

04:31PM 1 associated with the DEA in some fashion?

04:31PM 2 A. Well, I mean, at some point the DEA turned over the

04:31PM 3 source file to DOJ OIG.

04:31PM 4 Q. Okay. So when you went in to sit down with

04:31PM 5 Mr. Bongiovanni in June of 2019, were you familiar with the

04:31PM 6 name R.K.?

04:31PM 7 A. I can't recall if I heard it before or not.

04:31PM 8 Q. But you asked Mr. Bongiovanni questions about who the

04:31PM 9 confidential source was in that -- in that file?

04:31PM 10 A. I asked what happened to his investigation, what the

04:31PM 11 result was. He said his source was arrested. And I said,

04:31PM 12 oh, who was your source? And he told me Peter Militello.

04:31PM 13 Q. Okay. And I'm just trying to clarify that's the first

04:31PM 14 time you hear Peter Militello's name?

04:31PM 15 A. I think so, yes.

04:31PM 16 Q. And it's your testimony that Joseph Bongiovanni was

04:31PM 17 describing him as a, quote, unquote, confidential source?

04:31PM 18 A. Yes, his source.

04:31PM 19 Q. His source. So I want to get the wording clear.

04:32PM 20 What he's saying is it's, quote, unquote, his source?

04:32PM 21 A. Yes. So, it's two law enforcement guys talking in our

04:32PM 22 jargon, the sum and substance of it is that Peter Militello

04:32PM 23 is his source.

04:32PM 24 Q. Okay. So the words he used were, quote, unquote, his

04:32PM 25 source?



04:32PM

1 A. Yes.

04:32PM

2 Q. Okay. He didn't use the word "confidential source"

04:32PM

3 directly to you, correct?

04:32PM

4 A. No.

04:32PM

5 Q. Okay. All right. So did you come to learn -- I mean,

04:32PM

6 did you further investigate that name Peter Militello after

04:32PM

7 that interview?

04:32PM

8 A. Yes.

04:32PM

9 Q. Okay. And you came to learn that Peter Militello was not

04:32PM

10 in any way a, quote, unquote, confidential source, correct?

04:32PM

11 A. No. I don't think he ever was.

04:32PM

12 Q. He was a target of an investigation, correct?

04:32PM

13 A. Yes.

04:32PM

14 Q. And he was arrested for selling fentanyl, correct?

04:32PM

15 A. Yes.

04:32PM

16 Q. And that was an investigation Joseph Bongiovanni worked,

04:32PM

17 correct?

04:33PM

18 A. Yes.

04:33PM

19 Q. And did you review the file at some point prior to

04:33PM

20 testifying that that investigation was worked out of

04:33PM

21 regarding Peter Militello?

04:33PM

22 A. I have seen it, yes.

04:33PM

23 Q. And do you recall in those DEA-6s associated with that

04:33PM

24 file that Peter Militello is also identified as being a

04:33PM

25 source of supply?

04:33PM 1 A. I don't.

04:33PM 2 Q. Now, when you started the conversation with

04:33PM 3 Mr. Bongiovanni, this interview, at some point in time after

04:33PM 4 the start, you orient him to the fact that you're talking

04:33PM 5 about Italian Organized Crime, correct?

04:33PM 6 A. Actually, that comes up talking about Peter. He mentions

04:34PM 7 that Peter's grandfather had something to do with organized

04:34PM 8 crime. And then I asked him what he thought about that.

04:34PM 9 Q. Okay. And Peter was one of the first subjects you

04:34PM 10 covered in the interview, correct?

04:34PM 11 A. The first.

04:34PM 12 Q. Okay. And then at some point in time in the interview,

04:34PM 13 you start going through a list of names with Mr. Bongiovanni,

04:34PM 14 correct?

04:34PM 15 A. Yes.

04:34PM 16 Q. And those had come from where again?

04:34PM 17 A. From the border search of his phone.

04:34PM 18 Q. Okay. And you went through a number of those on direct,

04:34PM 19 but ultimately you get to the name Kim Mecca, correct?

04:34PM 20 A. Yes.

04:34PM 21 Q. And he mentions the -- Mr. Bongiovanni mentions the

04:34PM 22 connection between Kim Mecca and who her boyfriend is,

04:34PM 23 correct?

04:34PM 24 A. He said that Kim Mecca was the girlfriend of a friend of

04:34PM 25 his.

04:34PM 1 Q. And then ultimately tells you that friend is Lou Selva,  
04:34PM 2 correct?

04:34PM 3 A. Yes.

04:34PM 4 Q. And then he -- I think you demonstrated the reaction he  
04:34PM 5 had, some sort of physical reaction when he brought up Lou  
04:35PM 6 Selva's name, correct?

04:35PM 7 A. In between, like, saying the girlfriend of a friend  
04:35PM 8 through the Lou Selva answer, yes.

04:35PM 9 Q. Okay. Now, and when you're going through these names  
04:35PM 10 with Mr. Bongiovanni, these names weren't all random names,  
04:35PM 11 correct?

04:35PM 12 A. No, they were the only names that I had.

04:35PM 13 Q. Okay. Well, that you had -- so is it fair to say you had  
04:35PM 14 an interest in asking about these names because you brought  
04:35PM 15 this list of who these names were to the interview?

04:35PM 16 A. But it's not a list that I made. It was the totality of  
04:35PM 17 what we knew from the border encounter.

04:35PM 18 Q. Okay. Yeah. Let's talk about how you get some of that  
04:35PM 19 information.

04:35PM 20 When there's an extraction done of a phone, it produces  
04:35PM 21 list of contacts, correct?

04:35PM 22 A. Yes.

04:35PM 23 Q. And did you have the entire list of contacts from  
04:35PM 24 Mr. Bongiovanni's phone?

04:36PM 25 A. No.

04:36PM 1 Q. Okay. What you had was a subreport of some contacts of  
04:36PM 2 Mr. Bongiovanni's phone?

04:36PM 3 A. It wasn't a subreport from an extraction. No extraction  
04:36PM 4 was ever done. It was photographs taken of the phone as  
04:36PM 5 somebody thumbed through it.

04:36PM 6 Q. Okay. I want to sort of orient the jury to this.

04:36PM 7 Mr. Bongiovanni's phone at the border was never fully  
04:36PM 8 extracted, correct?

04:36PM 9 A. That's correct.

04:36PM 10 Q. What you got in response was an HSI agent somewhere  
04:36PM 11 basically taking photos of -- screenshots of his phone,  
04:36PM 12 correct?

04:36PM 13 A. Yes.

04:36PM 14 Q. Okay. And those are what you review prior to going into  
04:36PM 15 the interview with Mr. Bongiovanni, correct?

04:36PM 16 A. Yes.

04:36PM 17 Q. Now, the photos that you were looking at of the  
04:36PM 18 screenshots of Mr. Bongiovanni's phone, those weren't every  
04:36PM 19 one of his contacts, correct?

04:36PM 20 A. No.

04:36PM 21 Q. No, it was --

04:36PM 22 A. I don't think so.

04:36PM 23 Q. Did it appear to you that there were specific contacts  
04:37PM 24 that had been singled out?

04:37PM 25 A. I don't know how they were singled out, if that's what

04:37PM 1 you're asking me.

04:37PM 2 Q. No, I --

04:37PM 3 A. I think it was a -- it was a selection of contacts from

04:37PM 4 his phone --

04:37PM 5 Q. That's what I'm asking.

04:37PM 6 A. -- done by somebody else.

04:37PM 7 Q. It was a selection of the contacts in some fashion,

04:37PM 8 correct?

04:37PM 9 A. Yes.

04:37PM 10 Q. It was not the entire list of contacts, correct?

04:37PM 11 From what you could see, based on how you received these

04:37PM 12 photos?

04:37PM 13 A. I mean, I -- to know absolutely it was every contact?

04:37PM 14 No. But nobody's phone has 11 contacts in it, or whatever

04:37PM 15 that was. It just didn't seem like enough to be all of them.

04:37PM 16 Q. Okay. And so you estimated approximately 11 contacts

04:37PM 17 here?

04:37PM 18 A. I -- I'm guessing. It's around ten. It's not a long

04:37PM 19 list.

04:37PM 20 Q. Okay. So prior to entering the interview with

04:37PM 21 Mr. Bongiovanni, those contacts had some significance

04:37PM 22 because, as you just said, they weren't all of the contacts

04:37PM 23 in his phone, correct?

04:37PM 24 A. I don't understand that question now.

04:37PM 25 Q. Meaning you had received a number of contacts of

Mr. Bongiovanni's phone, and they weren't all of the contacts in the phone, correct?

A. That's correct.

Q. And you proceeded to ask him questions about these specific contacts, correct?

A. Yes.

Q. Okay. Now, we'll move on to a different subject.

You directed the search at Anthony Gerace's house in Clarence, correct?

A. Yes.

Q. It was in January of 2019, correct?

A. Yes.

Q. You testified there was approximately \$103,000 that were found -- that was found there, correct?

A. Yes.

Q. We looked at, on your direct, what appeared to be a Super Bowl ledger book; do you recall that?

A. The spiral notebook? Yes.

**MR. MacKAY:** Yeah, Ms. Champoux, can we put that up, Government Exhibit 72A-55.

**BY MR. MacKAY:**

Q. That's the photo of the physical notebook you reviewed, correct?

A. Yes.

Q. And you went through some names on direct with Mr. Tripi,

04:39PM 1 correct?

04:39PM 2 A. Yes.

04:39PM 3 **MR. MacKAY:** Can we blow that up a little bit,

04:39PM 4 Ms. Champoux? Yeah, that -- that quarter is good.

04:39PM 5 **BY MR. MacKAY:**

04:39PM 6 Q. Let me give you a number, number 34. That's 67 West. Do

04:39PM 7 you see that?

04:39PM 8 A. Yes.

04:39PM 9 Q. You know that to be a bar on Chippewa in Buffalo,

04:39PM 10 correct?

04:39PM 11 A. No, I don't, but --

04:39PM 12 Q. Okay. You have no reason to disagree with me that that's

04:39PM 13 a bar on Chippewa?

04:39PM 14 A. No, I don't.

04:39PM 15 Q. Okay. Number 40, you see that it says Wing Kings?

04:39PM 16 A. Yes.

04:40PM 17 Q. Do you understand that to be a restaurant on Elmwood

04:40PM 18 Avenue at one point in time?

04:40PM 19 A. I have no idea.

04:40PM 20 Q. No reason to disagree with me there was a restaurant

04:40PM 21 named Wing Kings on Elmwood Avenue at one point?

04:40PM 22 A. I just don't know.

04:40PM 23 Q. All right. Now, there was -- I think it was in the first

04:40PM 24 column.

04:40PM 25 **MR. MacKAY:** Ms. Champoux, can you blow up number 14?

04:40PM

1

**BY MR. MacKAY:**

04:40PM

2

Q. It says Wayne. Do you see that one?

04:40PM

3

A. Yes.

04:40PM

4

Q. Are you familiar with the name Wayne Anderson from your

04:40PM

5

review of C2-13-0026, correct?

04:40PM

6

A. Yes.

04:40PM

7

Q. This one doesn't have any last name associated with it

04:40PM

8

though, correct? Here, what you see?

04:40PM

9

A. No, there's no last name there.

04:40PM

10

Q. So, no idea whether that's in reference to the same Wayne

04:40PM

11

Anderson, correct?

04:40PM

12

A. Just that it's Wayne.

04:40PM

13

**MR. MacKAY:** Okay. Can we zoom out, Ms. Champoux.

04:40PM

14

**BY MR. MacKAY:**

04:40PM

15

Q. Let's go to number 76. That name is Rodney Giove. Do

04:41PM

16

you understand him to be a lawyer in the Niagara Falls area?

04:41PM

17

A. Rodney Giove?

04:41PM

18

Q. Yeah.

04:41PM

19

A. Yes.

04:41PM

20

**MR. MacKAY:** Can you zoom out, and can we go to

04:41PM

21

number 88.

04:41PM

22

**BY MR. MacKAY:**

04:41PM

23

Q. That says Jay Dockside. Do you understand that to be Jay

04:41PM

24

Shepard, the gentleman who owns Dockside Restaurant in NT?

04:41PM

25

A. I know that there's a Dockside Restaurant in NT. I have



04:41PM 1 no idea who owns it.

04:41PM 2 Q. Would you have any reason to disagree with me that that  
04:41PM 3 restaurant is owned by a gentleman named Jay Shepard?

04:41PM 4 A. I just don't know who owns it.

04:41PM 5 **MR. MacKAY:** Okay. And, Ms. Champoux, can we go to  
04:41PM 6 number 23.

04:41PM 7 **BY MR. MacKAY:**

04:41PM 8 Q. And that one says Russell Jr.; do you see that one?

04:41PM 9 A. Yes.

04:41PM 10 Q. Now, you're familiar there's a Russell Salvatore who owns  
04:41PM 11 Salvatore's Hotel in the area, correct?

04:41PM 12 A. Yes.

04:41PM 13 Q. That's Russell Sr., not Russell Jr., correct?

04:41PM 14 A. I don't recall as I sit here. I know there's a  
04:42PM 15 father/son in the other place, I don't know --

04:42PM 16 Q. Yeah.

04:42PM 17 A. -- I don't know if it's Jr. or III or the --

04:42PM 18 Q. Do you understand one to be older, and one to be quite  
04:42PM 19 younger?

04:42PM 20 A. Yes.

04:42PM 21 Q. Okay. And do you understand the older one to own the  
04:42PM 22 restaurant -- I'm sorry, to own the hotel?

04:42PM 23 A. I think they both do, right?

04:42PM 24 Q. I'm asking you what you understand.

04:42PM 25 A. Yes.

04:42PM 1 **MR. MacKAY:** Okay. Now, number 37. Can we blow that

04:42PM 2 one up?

04:42PM 3 **BY MR. TRIPI:**

04:42PM 4 Q. That's Ron Serio, correct?

04:42PM 5 A. Yes.

04:42PM 6 Q. And he was arrested in April of 2017, correct?

04:42PM 7 A. Yes.

04:42PM 8 Q. Did you understand as part of his release conditions that

04:42PM 9 he was to refrain from any type of gambling activity?

04:42PM 10 A. I don't know.

04:42PM 11 **MR. TRIPI:** Objection, 403.

04:42PM 12 **THE COURT:** I'm sorry?

04:42PM 13 **MR. TRIPI:** 403, his release conditions.

04:42PM 14 **THE COURT:** Overruled.

04:42PM 15 **THE WITNESS:** I don't know what his release

04:43PM 16 conditions were. I never read them.

04:43PM 17 **MR. MacKAY:** Okay. Can we go to the upper left-hand

04:43PM 18 corner?

04:43PM 19 **BY MR. MacKAY:**

04:43PM 20 Q. It says \$105,000; is that fair to say?

04:43PM 21 A. Yes.

04:43PM 22 Q. Now, as you viewed this ledger and the related Super Bowl

04:43PM 23 squares, fair to say you understood this to mean that Anthony

04:43PM 24 Gerace was running some sort of Super Bowl pool, correct?

04:43PM 25 A. Yes.

04:43PM 1 Q. And we actually looked at the Super Bowl squares chart on  
04:43PM 2 your direct.

04:43PM 3 **MR. MacKAY:** Ms. Champoux, can we show Government  
04:43PM 4 Exhibit 72A-56?

04:43PM 5 **BY MR. MacKAY:**

04:43PM 6 Q. Okay. And that's the actual Super Bowl squares, correct?

04:43PM 7 A. Yes.

04:43PM 8 Q. You can see both the horizontal and vertical axis. This  
04:43PM 9 was Philadelphia Eagles, and the New England Patriots,  
04:43PM 10 correct?

04:44PM 11 A. Yes.

04:44PM 12 Q. Do you understand that was the 2018 Super Bowl?

04:44PM 13 A. Yes, it was -- yeah, the year before.

04:44PM 14 Q. Right. So that's what I'm asking. This was the  
04:44PM 15 Super Bowl the year before -- almost a year before when the  
04:44PM 16 search warrant was executed at his house, correct?

04:44PM 17 A. Yes.

04:44PM 18 Q. The 2019 Super Bowl hadn't yet occurred, correct?

04:44PM 19 A. Right.

04:44PM 20 Q. Okay. Now, Ron Serio's name is nowhere to be found on  
04:44PM 21 that chart, correct?

04:44PM 22 A. I don't -- do you want me to search the whole chart?

04:44PM 23 Q. Sure.

04:44PM 24 A. I don't see -- I don't see it.

04:44PM 25 Q. Now --

04:44PM 1 A. Was that Ron at the intersection of 9 and 8? It's hard  
04:45PM 2 to tell with the fold.

04:45PM 3 **MR. MacKAY:** Yeah, we can blow that up.

04:45PM 4 **THE WITNESS:** No. It says R and W.

04:45PM 5 **BY MR. MacKAY:**

04:45PM 6 Q. Okay. All right. So fair to say it doesn't show Ron  
04:45PM 7 Serio's name anywhere on this chart, correct?

04:45PM 8 A. I don't see it.

04:45PM 9 Q. Okay. Now, I want to go to the lower corner of the  
04:45PM 10 document.

04:45PM 11 **MR. MacKAY:** Can you blow that up, Ms. Champoux?

04:45PM 12 **BY MR. MacKAY:**

04:45PM 13 Q. Okay. See where it says on the left there, 10 percent  
04:45PM 14 commission taken out of all prizes besides touching squares?

04:45PM 15 A. Yes.

04:45PM 16 Q. Generally speaking, do you understand that under New York  
04:45PM 17 law, to take a commission out of a Super Bowl pool, that  
04:45PM 18 that's not legal?

04:45PM 19 A. I do.

04:45PM 20 Q. And just explain that for the jury, what that means?

04:45PM 21 A. So it's the difference between, you know, doing Super  
04:45PM 22 Bowls squares, I guess, for your hockey team or something,  
04:45PM 23 and all the money that comes in is all paid out. That's  
04:46PM 24 okay. That's my understanding.

04:46PM 25 But if the organizer of the game keeps a percentage of

the money, that that makes it illegal under New York law.

Q. Okay. And you had seen some packaged cash, I think we talked about, in Mr. Gerace's house, correct?

A. Yes.

Q. And you opined that it was -- that you have seen similar packagings of cash in relation to narcotics trafficking, correct?

A. Yes.

Q. But you can see here from at least what it shows here in the Super Bowl pool, Mr. Gerace -- Mr. Anthony Gerace appears to be running a Super Bowl pool that's not in conjunction with the law, that he's taking cuts out of, correct?

A. Well, the year before, correct.

Q. Yeah, the year before, correct?

A. Yes.

Q. And as you sit here today, you don't know how many years Mr. Anthony Gerace had been running any Super Bowl pools, correct?

A. I don't.

**MR. MacKAY:** We can take that down, Ms. Champoux, thank you.

**BY MR. MacKAY:**

Q. All right. So let's talk about how you get started in this investigation with -- that involves Ron Serio.

You were present for a proffer in February of 2018,

04:47PM 1 correct?

04:47PM 2 A. Yes.

04:47PM 3 Q. And then you then attend a proffer with Mr. Serio in July

04:47PM 4 of 2018, correct?

04:47PM 5 A. Yes.

04:47PM 6 Q. And it's the -- it's what's revealed in the July 2018

04:47PM 7 proffer that sort of all begins the investigation into

04:47PM 8 Mr. Bongiovanni, correct?

04:47PM 9 A. Yes.

04:47PM 10 Q. Now, DEA Special Agent Casullo, he's present for the July

04:47PM 11 proffer, correct?

04:47PM 12 A. Yes.

04:47PM 13 Q. But he's not present for the February proffer, correct?

04:47PM 14 A. Correct.

04:47PM 15 Q. Now, you understood that by that point in time, he was

04:47PM 16 handling a case related to Kevin Myszka, correct?

04:47PM 17 A. Are you asking me if I knew that in July?

04:47PM 18 Q. Yeah. By the time you got to the July proffer --

04:47PM 19 A. No, I wasn't aware of that case then.

04:47PM 20 Q. Okay. But you and -- by the time, you know, we're

04:48PM 21 talking July 2018, were you and Mr. Casullo working together

04:48PM 22 as partners in any cases?

04:48PM 23 A. That he had just moved from 57 to 58.

04:48PM 24 Q. Yeah. Do you recall when he moved from D-57 to D-58?

04:48PM 25 A. Not exactly. But I'd say it was within weeks or maybe a

04:48PM 1 month before that.

04:48PM 2 Q. Okay. And do you recall whether that was prompted by any

04:48PM 3 tensions between him and Mr. Bongiovanni?

04:48PM 4 A. I had no idea why he moved.

04:48PM 5 Q. Okay. But ultimately, once he moves to duty 58, do you

04:48PM 6 partner up with him on cases?

04:48PM 7 A. On a few things.

04:48PM 8 Q. Okay. Now, so the February proffer, the federal

04:48PM 9 prosecutor who's in that that invites you to that, that's

04:48PM 10 Paul Parisi, correct?

04:48PM 11 A. Yes.

04:48PM 12 Q. And then it's Mr. Tripi who's the prosecutor for the July

04:48PM 13 proffer, correct?

04:48PM 14 A. Yes.

04:48PM 15 Q. And in the July proffer, you've also got FBI Special

04:49PM 16 Agent Greg Mango, correct?

04:49PM 17 A. He's an HSI special agent, but yes.

04:49PM 18 Q. Oh, I'm sorry, I mislabeled him. He's HSI, but he's --

04:49PM 19 A. He's --

04:49PM 20 Q. -- let me just ask the question, he's new to the proffer

04:49PM 21 in July, correct?

04:49PM 22 A. Yes.

04:49PM 23 Q. Okay. Meaning he hadn't been at the February proffer,

04:49PM 24 correct?

04:49PM 25 A. He had not.

04:49PM 1 Q. And I think you told us on direct, he had recently  
04:49PM 2 completed the Kingsmen trial, correct?

04:49PM 3 A. Yes.

04:49PM 4 Q. And there was some information that had come out of that  
04:49PM 5 trial linking motorcycle clubs and Pharaoh's Gentlemen's  
04:49PM 6 Club, correct?

04:49PM 7 A. Yes.

04:49PM 8 Q. Okay. And in the meantime, between February and July of  
04:49PM 9 2018, that those professors you had attended, I think you  
04:49PM 10 said, some out of the country training about IOC?

04:49PM 11 A. In Canada.

04:49PM 12 Q. Okay. But that occurred between those two proffers,  
04:49PM 13 correct?

04:49PM 14 A. It was in the month of April. It may not have been --  
04:49PM 15 actually, it may not have been until the April after the July  
04:50PM 16 proffer.

04:50PM 17 Q. Okay. I just wanted to clarify. I think you said on  
04:50PM 18 direct that you thought it might have occurred between the  
04:50PM 19 two proffers?

04:50PM 20 A. No, I think it was the April after.

04:50PM 21 Q. Okay.

04:50PM 22 A. I'm certain it was after.

04:50PM 23 Q. But at some point in time after the July 2018 proffer,  
04:50PM 24 you understood Special Agent Casullo was directed not to have  
04:50PM 25 any further part as an investigating agent in the



04:50PM 1 investigation, correct?

04:50PM 2 A. Saying after the -- at some point after the July proffer?

04:50PM 3 Q. Yes.

04:50PM 4 A. Yes.

04:50PM 5 Q. And part of that had to do with the fact that he was

04:50PM 6 deemed to be a fact witness, correct?

04:50PM 7 A. Yes.

04:50PM 8 Q. And that related to allegations that were made about the

04:50PM 9 race-related comments, correct?

04:50PM 10 A. I wasn't aware of what the allegations were. I mean, I

04:51PM 11 had -- I was generally aware of them at the time, not too

04:51PM 12 much of the specifics of them. But, yes, I knew the reason.

04:51PM 13 Q. Right. That's what I'm getting toward, is that he's

04:51PM 14 deemed to be a fact witness, regardless of what the

04:51PM 15 allegations were he's deemed to be a fact witness because of

04:51PM 16 whatever was surrounding the race-related comment issue,

04:51PM 17 correct?

04:51PM 18 A. Yes.

04:51PM 19 Q. All right. He's not at this point in time a fact witness

04:51PM 20 regarding anything with Ron Serio, correct?

04:51PM 21 A. I'm sorry, could you --

04:51PM 22 Q. Meaning that when he's deemed to be a fact witness, it's

04:51PM 23 not arising from something regarding what was said in the

04:51PM 24 July 20th, 2018 proffer, correct?

04:51PM 25 A. That's correct.

04:51PM 1 Q. He's not a fact witness to anything that's being revealed  
04:51PM 2 at that point in time, correct?

04:51PM 3 A. That's correct.

04:51PM 4 Q. Now, when you -- when Mr. Casullo -- when Agent Casullo  
04:52PM 5 comes to the July 2018 proffer, did he make mention in any  
04:52PM 6 fashion of whether he had reviewed any files related to Ron  
04:52PM 7 Serio before he came into that proffer?

04:52PM 8 A. I don't remember him mentioning that, no. But we had all  
04:52PM 9 done that, so I would assume that he had.

04:52PM 10 Q. When you say you "had all done that," what do you mean  
04:52PM 11 specifically?

04:52PM 12 A. As part of getting that investigation going, we had all,  
04:52PM 13 we had queried the systems that we had access to to look for  
04:52PM 14 reports that could connect to that proffer and what we wanted  
04:52PM 15 to look at.

04:52PM 16 Q. Okay. And you were querying the Ron Serio name, correct?

04:52PM 17 A. Not just the Ron Serio name. It was anything to do with  
04:52PM 18 Pharaoh's, Gerace. It was broader than that.

04:52PM 19 Q. Okay. So that's what I want to get toward, is by the  
04:52PM 20 time you go into the July 2018 proffer, both you and Anthony  
04:52PM 21 Casullo have looked up, as far as you understood it,  
04:52PM 22 everything that you could search in the DEA databases about,  
04:53PM 23 for example, Ron Serio, correct?

04:53PM 24 A. Well, I searched HSI databases.

04:53PM 25 Q. Okay.

04:53PM 1 A. I assumed Tony searched DEA.

04:53PM 2 Q. Okay. Because, well, when Mr. Casullo came to the July  
04:53PM 3 2018 proffer, was it fair to say he appeared to understand at  
04:53PM 4 least something about Mr. Serio, correct?

04:53PM 5 A. Yes.

04:53PM 6 Q. I mean, he didn't come into the meeting blind; it's fair  
04:53PM 7 to say, correct?

04:53PM 8 A. Yes.

04:53PM 9 Q. He appeared to have come in prepped knowing at least some  
04:53PM 10 information about Ron Serio, correct?

04:53PM 11 A. Yes.

04:53PM 12 Q. And based on what you did with reviewing HSI records, you  
04:53PM 13 made the conclusion that Anthony Casullo had looked up  
04:53PM 14 records about Ron Serio that were DEA related.

04:53PM 15 A. Yes.

04:53PM 16 **MR. MacKAY:** Judge, it's 5 to. Before I go into a  
04:53PM 17 new area --

04:53PM 18 **THE COURT:** Yeah, that's fine. So we will now break  
04:53PM 19 for the day.

04:53PM 20 Remember tomorrow, 9:00 until 2. Brings snacks.

04:53PM 21 We're not going to take a lunch break, 9 until 2.

04:53PM 22 And Friday, 12:30 until 5-ish. Maybe a little before  
04:54PM 23 5. Close to 5.

04:54PM 24 So please remember my instructions about not talking  
04:54PM 25 about the case with each other or anybody else, not using

04:54PM 1 tools of technology to research the case or to communicate  
04:54PM 2 about the case, and not watching or listening or reading any  
04:54PM 3 news coverage of the case if there is any.

04:54PM 4 Don't make up your mind either until the case has  
04:54PM 5 been submitted to you to deliberate.

04:54PM 6 We'll see you tomorrow morning at 9. Get a good  
04:54PM 7 night's sleep. Leave a little earlier tomorrow to get to  
04:54PM 8 court, and we'll see you then.

04:54PM 9 (Jury excused at 4:54 p.m.)

04:54PM 10 **THE COURT:** Anything for the record?

04:55PM 11 **MR. TRIPI:** No, Your Honor.

04:55PM 12 **MR. MacKAY:** No, Your Honor.

04:55PM 13 **MR. COOPER:** Just thank you again to the parties and  
04:55PM 14 to the Court for letting us get Mr. C.C. up and down. I know  
04:55PM 15 it's a pain in the butt for them, so I'm grateful.

04:55PM 16 **THE COURT:** Yeah. So I want to talk for just a  
04:55PM 17 second about the discussion we had at the bench about the  
04:55PM 18 witness's testimony about whether somebody he was interviewing  
04:55PM 19 was -- what was the word that you used?

04:55PM 20 **COURT REPORTER:** Evasive.

04:55PM 21 **THE COURT:** Evasive, thank you, Ann. Evasive.

04:55PM 22 The reason I have a problem with that, Mr. Tripi, and  
04:55PM 23 you said that comes in all the time, and maybe it does.

04:55PM 24 **MR. TRIPI:** Of course that doesn't mean you need to  
04:55PM 25 let it in.

04:55PM

1

**THE COURT:** No, no.

04:55PM

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**MR. TRIPI:** I mean, I understand the Court's

04:55PM

3

decision.

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4

**THE COURT:** I want to explain my thought process.

04:55PM

5

So, you couldn't ask a witness for his or her opinion

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about whether the person was being truthful, right? That

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7

certainly would be off limits.

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8

**MR. TRIPI:** Sure.

04:55PM

9

**THE COURT:** You can ask what the person looked like?

04:55PM

10

Was the person -- and it's -- even though it's lay opinion

04:55PM

11

testimony, he can testify that the person appeared nervous,

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12

that the person appeared jittery, that the person, you know,

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13

the car appeared to be speeding. Those kinds of things are

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14

lay opinion, legitimate lay opinion.

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15

Asking whether a witness is evasive, I think, is

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16

closer to the truthful than it is to the nervous. Because

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evasive involves the content of what the witness is saying,

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not the way the witness is saying it. Unless you make more of

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19

a foundation with respect to what "evasive" means. And if

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20

evasive means, you know, he was looking around like this,

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21

or -- or -- or something like that --

04:56PM

22

**MR. TRIPI:** Okay.

04:56PM

23

**THE COURT:** -- but that's -- that's the -- my thought

04:56PM

24

process is that you can't ask for a lay opinion about whether

04:56PM

25

a witness is being truthful. You can ask for a lay opinion

1 about whether a witness is nervous or other things that you  
2 can observe. And the word "evasive" seems to me to go to the  
3 content of what is being said rather than the witness's  
4 demeanor.

5 **MR. COOPER:** Can I ask a follow-up question on that?

6 **THE COURT:** Yeah, you go right ahead.

7 And I'm not saying I'm right on this. I'm just  
8 telling you that's where I'm coming from.

9 **MR. COOPER:** I'm following your train of thought. I  
10 guess my follow-up question would be envisioning a scenario,  
11 and I think this came up at the bench with Mr. Tripi where  
12 direct questions are being asked of a witness, and a witness  
13 is kind of skirting around answering those. I mean, we've all  
14 in our life experience/encountered a situation like that.

15 And without getting into content, I think a trained  
16 law enforcement officer can offer a lay opinion that they were  
17 asking direct questions, like is the sky blue, and a witness  
18 is saying, well, you know, I haven't looked at the sky in a  
19 while. And that could be an example where you're not  
20 expressly providing content, and in your common-sense life  
21 experience, you are just using the word "evasive" because  
22 that's the word anyone would use to describe that.

23 **THE COURT:** Maybe. Maybe. Maybe. I get it. And  
24 maybe you're right. And I'm not saying that this is how I'm  
25 going to rule on this in the future where there hasn't been an

04:58PM 1 objection to this yet, I'm just telling you.

04:58PM 2 And that's a good response, Mr. Cooper, and I will  
04:58PM 3 think about that.

04:58PM 4 But, the -- the lay opinion, I think when it goes to  
04:58PM 5 the content of what's being said, it's a little more  
04:58PM 6 problematic. And I'm just saying I think "evasive" may be --  
04:58PM 7 I don't know, maybe you're right, maybe you're right.

04:58PM 8 **MR. COOPER:** I think that you're right about the  
04:58PM 9 truthful, and I think we can ask questions in a slightly  
04:58PM 10 different way. And sometimes this is how it's resolved, we  
04:58PM 11 can ask questions in a slightly different way. Were you  
04:58PM 12 asking direct questions and receiving direct answers, or was  
04:58PM 13 something else happening?

04:58PM 14 **THE COURT:** Yeah.

04:58PM 15 **MR. COOPER:** So we can work on it as well.

04:58PM 16 **THE COURT:** Yeah. Okay. Great.

04:58PM 17 Anything you folks want to say?

04:58PM 18 **MR. MacKAY:** No, Your Honor, point well taken.

04:58PM 19 **THE COURT:** Okay. You know, I love this stuff so  
04:58PM 20 much, as you probably can tell, and it --

04:58PM 21 **MR. TRIPI:** It's helpful to have that type of  
04:58PM 22 dialogue sometimes. You get an objection sustained or  
04:58PM 23 overruled, and you have no idea why that happened, and so I  
04:58PM 24 think it's nice to get some insight.

04:58PM 25 **THE COURT:** Good.

04:58PM 1 **MR. TRIPI:** So I appreciate it.

04:58PM 2 **THE COURT:** Terrific.

04:58PM 3 **MR. MacKAY:** I'm better schooled and better versed in  
04:59PM 4 evidence than I was one and a half trials ago.

04:59PM 5 **THE COURT:** I guess that's a good thing. Thanks,  
04:59PM 6 everybody.

04:59PM 7 **MR. COOPER:** So tomorrow is 9 a.m.?

04:59PM 8 **THE COURT:** 9 a.m. Yep. Be on time.

04:59PM 9 **MR. COOPER:** Yes. I'll do my darndest.

04:59PM 10 **MR. TRIPI:** I won't be involved in drop-offs  
04:59PM 11 tomorrow.

12 (Excerpt concluded at 4:59 p.m.)

13 \* \* \* \* \*

14

15 **CERTIFICATE OF REPORTER**

16

17 In accordance with 28, U.S.C., 753(b), I  
18 certify that these original notes are a true and correct  
19 record of proceedings in the United States District Court for  
20 the Western District of New York on September 11, 2024.

21

22

23 s/ Ann M. Sawyer  
24 Ann M. Sawyer, FCRR, RPR, CRR  
25 Official Court Reporter  
U.S.D.C., W.D.N.Y.



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EXCERPT - EXAMINATION OF CURTIS RYAN - DAY 2

SEPTEMBER 11, 2024

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